

CLEMSON UNIVERSITY

Faculty Manual

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PART I.

INTRODUCTION

A. The Nature and Function of this *Manual*

The *Clemson University Faculty Manual* is a compilation of information pertaining to the faculty member's participation in the governance of the university. It includes summaries of those university policies and procedures that are of major concern to faculty. The need to have a *Manual* of manageable size dictates that this document, though comprehensive, be less than complete. Consequently, in certain places the reader is directed to other documents or sources to obtain more detailed information.

The first *Manual* for Clemson University faculty was distributed in 1960 and has undergone numerous revisions since. The guiding principle behind the current revision was the desire to record and codify the changes made in the principal governing instrument following campus reorganization and internal policy changes. The most current version of the *Manual* is available on the faculty senate's World Wide Web page (<http://www.lib.clemson.edu/fs/>); additions and/or deletions are made there in a timely fashion between printings.

B. Using this *Manual*

The *Faculty Manual* is divided into nine parts and each part is paginated separately. There are also appendices and an index. Each part is fully described in the "Table of Contents." The editors have tried to make the *Manual* as "user friendly" as possible and all suggestions for improvement are cheerfully accepted.

C. Procedures for Updating the *Manual*

Any person or group on campus may suggest a change to the *Clemson University Faculty Manual* by submitting a request to the President of the faculty senate. The President of the Senate shall refer the matter to the appropriate committee for consideration. If that Committee agrees the change should be made, it should submit the proposed change in the form of a resolution to the Senate where a two-thirds majority is needed for approval. The *Faculty Manual* Editorial Consultant must have checked the language and format of the proposed resolution, and have assured that the *Manual* will remain internally consistent with the inclusion of the proposed change. Any Senate resolution that is distributed prior to a regularly scheduled Senate meeting should also be checked in advance by the Editorial Consultant to see if it requires a change in the *Manual*. If it does require a change, the proposed resolution must specifically indicate the change. In the event that a resolution amending the *Faculty Manual* comes to the floor of the Senate without having been reviewed by the Editorial Consultant, said resolution shall be subject to review once it has been passed, and any substantial ambiguities or inconsistencies will be noted by the Editorial Consultant as the resolution proceeds forward for approval by the administration. Any and all revisions of the *Faculty Manual* proposed by the Editorial Consultant following administrative review are subject to a final approval by the faculty senate Policy Committee.

The President of the faculty senate forwards resolutions amending the *Faculty Manual* approved by the requisite two-thirds majority to the Provost for consideration by the university administration. The Provost will forward resolutions requiring approval by the Board of Trustees to the Board after they have been approved by the administration and will advise the Senate President of this action. The Provost will advise the Senate President of the administration's decision and, as applicable, the Board's decision. If the administration rejects the proposal or accepts it only subject to a change in its language, the President returns the proposal to the person or group who initiated the resolution. That person or group may decide, with the advice of the Senate President, to drop the issue or to propose a new resolution responding to expressed concerns.

The *Faculty Manual* change will take effect upon final approval by the Provost, or the Board of Trustees for those changes subject to the Board's approval. The approved resolution will be incorporated into both the master hard copy of the *Faculty Manual* maintained in the faculty senate Office by the Administrative Assistant and the electronic version of the *Faculty Manual*. This process of incorporation will be at the direction of the Editorial Consultant and under the oversight of the Senate President. The Senate President will report to the Senate and Provost that the *Manual* has been updated. Overall responsibility for maintaining and distributing the *Clemson University Faculty Manual* is vested in the Office of the Vice President for Academic Affairs and Provost and is carried out by the Office of the President of the faculty senate.

C. Reporting Violations of the *Manual*

If the procedures and policies outlined in this *Manual* have not been followed, a report should be made to the President of the faculty senate. The report should include the section of the *Manual* that is not being followed, the person(s), department(s), etc. involved, and a brief description of the situation. The President may handle the matter or refer it to the relevant committee or person for resolution. The name(s) of the person(s) filing the report shall be kept confidential by the President of the faculty senate.

PART II.

THE UNIVERSITY'S HISTORY AND ADMINISTRATIVE STRUCTURE

A. University Mission Statement

The mission of Clemson University is to fulfill the covenant between its founder and the people of South Carolina to establish a "high seminary of learning" through its land-grant responsibilities of teaching, research, and extended public service.

Clemson University is a selective, public, land-grant university in a college-town setting along a dynamic Southeastern corridor. The university is committed to world-class teaching, research, and public service in the context of general education, student development and continuing education. Clemson's desire is to attract a capable, dedicated and diverse student body of approximately 12,000 to 14,000 undergraduate and 4,000 to 5,000 graduate students, with priority to students from South Carolina.

Clemson offers a wide array of high-quality baccalaureate programs built around a distinctive core curriculum. Graduate and continuing education offerings respond to the professions, while doctoral and research programs contribute to the economic future of the state, nation and world. The university emphasizes agriculture, architecture, business, education, engineering, natural resources, science and technology. The university also promotes excellence in education and scholarship in selected areas of the creative arts, health, human development, the humanities and social sciences. In all areas, the goal is to develop students' communication and critical-thinking skills, ethical judgement, global awareness, and scientific and technological knowledge. Students remain the primary focus of the university.

Just as Clemson values its students, the university also values its faculty and staff who have committed their talents and careers to advance its mission. Clemson pledges to support their work, to encourage their professional development, to evaluate their professional performance and to compensate them at nationally competitive levels.

B. The Clemson Will

Thomas Green Clemson was born in Philadelphia, Pennsylvania, in July of 1807 and died at Fort Hill, Oconee County, South Carolina, on the 6th of April, 1888. His will and the Act of Acceptance of the General Assembly of South Carolina (November 27, 1889) established Clemson as a land-grant, state-supported institution. Pertinent excerpts from the will and the Act follow.

"Whereas, I, Thos. G. Clemson, of the county and State aforesaid, did, on the 14th day of August, 1883, execute my last will and testament wherein I sought to provide for the establishment of a scientific institution upon the Fort Hill place, and therein provided what sciences should be taught in said institution; and, whereas, I am now satisfied that my intention and purpose therein may be misunderstood as intending that no other studies or sciences should be taught in said institution than those mentioned in said will, which was not my purpose or intention. Now, desiring to make my purpose plain as well as to make some other changes in the distribution of my property, than made in said will, I do now make, publish and declare this instrument as and for my last will and testament, hereby revoking all previous wills and codicils by me made, especially the will above referred to, dated August 14th, 1883. "Feeling a great sympathy for the farmers of this State, and the difficulties with which they had to contend in their efforts to establish the business of agriculture upon a prosperous basis, and believing that there can be no permanent improvement in agriculture without a knowledge of those sciences which pertain particularly thereto, I have determined to devote the bulk of my property to the establishment of an agricultural college upon the Fort Hill place.

"This institution, I desire, to be under the control and management of a board of trustees, a part of whom are hereinafter appointed, and to be modeled after the Agricultural College of Mississippi as far as practicable.

"My purpose is to establish an agricultural college which will afford useful information to the farmers and mechanics, therefore it should afford thorough instruction in agriculture and the natural sciences connected therewith -- it should combine, if practicable, physical and intellectual education, and should be a high seminary of learning in which the graduate of the common schools can commence, pursue and finish the course of studies terminating in thorough, theoretic and practical instruction in those sciences and arts which bear directly upon agriculture, but I desire to state plainly that I wish the trustees of said institution to have full authority and power to regulate all matters pertaining to said institution -- to fix the course of studies, to make rules for the government of the same, and to change them, as in their judgement, experience may prove necessary, but to always bear in mind that the benefits herein sought to be bestowed are intended to benefit agricultural and mechanical industries. I trust that I do not exaggerate the importance of such an institution for developing the material resources of the State by affording to its youth the advantages of scientific culture, and that I do not overrate the intelligence of the legislature of South Carolina, ever distinguished for liberality, in assuming that such appropriations will be made as will be necessary to supplement the fund resulting from the bequest herein made. "I therefore give and devise to my executor, hereinafter named, the aforesaid Fort Hill place, where I reside, formerly the home of my father-in-law, John C. Calhoun, consisting of eight hundred and fourteen acres, more or less, in trust, that whenever the State of South Carolina may accept said property as a donation from me, for the purpose of thereupon founding an agricultural college, in accordance with the views I have hereinbefore expressed, (of which the Chief Justice of South Carolina shall be the judge), then my executor shall execute a deed of the said property to the said State, and turn over to the same all property hereinafter given as an endowment of said institution, to be held as such by the said State so long as it, in good faith, devotes said property to the purposes of the donation; provided, however, that this acceptance by the State shall be signified, and a practical carrying-out be commenced within three years from the date of the probate of this my will.

"...The seven trustees appointed by me shall always have the right, and the power is hereby given them and their successors, which right the legislature shall never take away or abridge, to fill all vacancies which may occur in their number by death, resignation, refusal to act, or otherwise. But the legislature may provide, as it sees proper, for the appointment or election of the other six trustees, if it accepts the donation. And I do hereby request the seven trustees above named, or such of them as may be living, or may be willing to act, to meet as soon after my death as practicable, and organize, and at once to fill all vacancies that may have occurred, and to exert themselves to effectuate my purposes as herein set forth, and I hereby instruct my executor to notify them of their appointment herein as soon after my death as practicable. The name of this institution shall be the 'Clemson Agricultural College of South Carolina'....

"[The trustees] shall erect upon the Fort Hill place such a school or college for the youth of South Carolina as, in their judgement, will be for their best interest; provided, that said school or college shall be for the benefit of the agricultural and mechanical classes principally, and shall be free of costs to the pupils, as far as the means derived from the endowment hereinafter provided and the use of the land may permit"

From the Act of Acceptance: "That upon the execution of a deed and transfer of said property to the State by the said executor in accordance with the provisions of said will, an Agricultural and Mechanical College shall be, and the same is hereby, established in connection with the aforesaid devise and bequest, to be situated at Fort Hill, in Oconee County, on the plantation so devised, in which college shall be taught all branches of study pertaining to practical and scientific agriculture and other industries connected therewith and such other studies are not inconsistent with the terms of the said will."

C. The Board of Trustees

The letter and spirit of the Clemson bequest still govern the university's basic administrative structure. The Board of Trustees, for example, continues to have seven "life trustees" who are empowered to fill any vacancy in their ranks due to "death, resignation, refusal to act, or otherwise." Six other trustees are elected by the General Assembly of South Carolina, three every two years for four-year terms.

The Board of Trustees: adopts the basic long-range objectives of the university and the basic policies for achieving them; provides policy instruction for long-range planning; adopts the statutes of the university; elects the

President of the university; employs the Executive Secretary of the Board; maintains ownership of university assets; and oversees the evaluation of the university.

To accomplish its purposes the Board meets at least four times annually. Its presiding officer is the Chairman, elected for a two-year term (but restricted to no more than three consecutive terms). The Board appoints an Executive Secretary, who serves at its pleasure, and maintains as standing committees an Executive Committee as well as committees for Budget and Finance, Educational Policy, Student Affairs, Agricultural and Natural Resources, and Institutional Advancement. (Names and addresses of current members of the Board of Trustees are given in Appendix A.)

The Board of Trustees is assisted in its governance activities by an official Faculty Representative who is granted privileges beyond those accorded to Board visitors. This includes receipt of Minutes, Agendas, and attachments to all Board and Committee meetings and an opportunity to be included on the Agenda upon approval of request. (See Appendix F for the selection process.)

To the administration of Clemson University the Board of Trustees delegates authority for: developing plans for achieving basic university objectives; developing short- and long-range plans within the delegated framework; recommending guidelines for university advancement; adopting the President's administrative policies governing university operations; recommending bylaws for implementing Trustees' functions; recommending university statutes to the Trustees; adopting operating budgets and controlling expenditures within approved limits; overseeing administrative control; evaluating the results secured; and investing funds under policy authority.

D. The President of the University

The President is the chief executive officer of the university. To the President the Board of Trustees delegates authority for: giving leadership to all phases of university planning; coordinating the operations of all units of the university; carrying out major university public relations functions; evaluating the results of university plans; and appointing such personnel as report to the President in accordance with policies outlined in Part II, Section K. of this *Manual*. The President and his Cabinet review and comment on all policy matters under consideration by the Board of Trustees.

Having the general supervision over all university activities, the President is an ex-officio member of all university councils, commissions, and committees and serves as liaison officer between the Board of Trustees and the university faculty and staff. The President presides at university commencements and graduations. The President approves appointments to Alumni Distinguished Professorships, endowed professorships and chairs, and recommendations for tenure, promotion, dismissal, and termination. Appeals by faculty and students concerning grievances may be heard by the President after regular procedures have been followed. The President appoints the Vice President for Academic Affairs and Provost, as well as the other executive officers, and reviews the appointee's performance in office.

E. The Vice President for Academic Affairs and Provost

The Vice President for Academic Affairs and Provost (hereafter referred to as the Provost) is the chief academic officer of the university and Chairperson of the university faculty. Responsible directly to the President for all academic matters, the Provost has administrative jurisdiction over teaching and computing services. The Provost recommends to the President short- and long-range plans for academic development and formulates policies to implement approved plans; gives direction and guidance to the deans in the development and operation of academic programs, and to the directors of Admissions, Financial Aid, and Professional Development; coordinates the activities of the deans and those directors; counsels with college deans concerning faculty evaluation and reappointment of department chairs and school directors. It is through the Provost that recommendations from the faculty senate, university commissions, councils, and committees, and the deans are forwarded to the President. In the President's absence, the Provost serves as Acting President of the university. As directed by the President, the Provost represents the university on matters relating to academic programs before the State's Commission on Higher Education and its committees and before other state governmental bodies.

The Provost approves or recommends to the President actions pertaining to faculty recruitment, appointments, re-appointments, tenure, promotion, termination, and dismissal. Recommendations regarding faculty grievances and student academic grievances are received by the Provost for decision. In addition, questions concerning conflict of interest are reviewed by the Provost.

The Provost also receives recommendations on curricular matters from university curriculum committees and forwards recommendations to the President; approves the bylaws of the collegiate faculties and reviews the minutes of their meetings; receives and transmits to the faculty proposed amendments to the Faculty Constitution; presides at meetings of the university faculty; evaluates the performance in office of the academic deans; appoints search-and-screening committees for certain administrative positions; recommends the appointment of academic administrators to the President; counsels with college deans concerning faculty evaluation and reappointment of department chairs/school directors; chairs the Academic council; serves as liaison officer between the faculty senate and the President; meets semi-annually with the Director of the Student Athlete Enrichment Program; and delegates authority to the Vice Provosts, the Assistant Vice President for Academic Affairs, and the Dean of Libraries.

Further, the Provost supervises the preparation of the budgetary requests and budgets of the Library and the colleges, allocates funds for their operation, and approves amendments thereto; establishes guidelines for the implementation of faculty salary increases, and recommends such increases to the President; receives recommendations from the collegiate deans concerning the formation and dissolution of departments, faculties, schools, and centers and transmits his/her recommendation to the President, the Board of Trustees, and/or the Commission on Higher Education as appropriate.

F. The Vice Provosts

The Vice Provosts function as staff members of the Office of the Vice President for Academic Affairs and Provost. They assist in administering the Office of Academic Affairs and perform duties as delegated by the Provost with the following general distribution of duties:

The Senior Vice Provost and Dean of Undergraduate Studies coordinates all undergraduate academic programs including recruiting, admitting, and enrolling new undergraduate students; retaining students; and overseeing the Honors program, the Cooperative Education program, financial aid, registration services, Student Athlete Enrichment Program, and other university-wide undergraduate academic programs. The Dean of Undergraduate Studies or designee chairs the Undergraduate Curriculum Committee.

The Chief Research Officer and Senior Vice Provost for Research and Graduate Studies is responsible for the areas of: Graduate School; Research Compliance (including Human Subjects, Animal Research, & Institutional Biosafety); Intellectual Property and Special Projects; Sponsored Programs (Pre-award); Clemson University Research Foundation; Contract Advising (Legal); university Research Grant Committee; Technology Transfer; South Carolina Research Center; Clemson Apparel Research; Institute of Wildlife and Environmental Toxicology; and other select centers and institutes.

The Vice Provost for Computing and Information Technology is responsible for university-wide planning for information technology, and for the administration, coordination, budgeting, and planning associated with the university's three central computing services groups: Administrative Programming Services, Information Systems Development, and the Computer Center.

The Vice Provost for Off-Campus, Continuing, and Distance Learning is charged with improving the university's service, performance, and competitiveness in these three areas. S/he directs, budgets, and markets the university's activities in the following areas: professional development, off-campus programs, continuing education, and distance learning. The vice provost is assisted by a Director of Off-Campus, Distance and Continuing Education programs.

Other duties shared among the Vice Provosts include: serving on and occasionally chairing a variety of committees; participation in program development; forming and maintaining relationships with other academic institutions and with the Commission on Higher Education; and such other duties as may be assigned by the Provost.

G. The Dean of the Graduate School

The Dean of the Graduate School coordinates all graduate programs and advises the Provost on policies and regulations pertaining to graduate study, graduate admissions policies, graduate student programs, and the granting of graduate degrees. The Dean of the Graduate School or designee chairs the Graduate Curriculum Committee.

H. The Deans of the Colleges

The deans are the chief administrative officers of Clemson University's five colleges. The deans provide leadership in formulating educational policy and serve as their collegiate faculties' agents in the execution of such policy. Among other duties, the deans represent the college in relations with other colleges of the university; ensure that faculty enjoy academic freedom and exercise academic responsibility; ensure that faculty peer evaluation, where appropriate, is part of the policies and procedures of all academic departments; review departmental recommendations for appointment, renewal, promotion, tenure, termination, and dismissal, and forward recommendations to the Provost; approve appointments to the college of prospective faculty; send letters of renewal or non-renewal of contract to probationary faculty; monitor Affirmative Action policy implementation by the several departments; review the annual evaluation of each faculty member of the college; periodically review and evaluate the performances of the department chairs and school directors as outlined in the policy for evaluation of administrators in concert with the Provost concerning reappointment recommendations; allocate budgets for instruction, supplies, and equipment, etc., and monitor the expenditure of all college funds; hear faculty grievances pursued beyond the departmental level and cooperate in formal grievance procedures; monitor faculty workloads and schedules; approve recommendations for sabbatical leaves and leaves of absence; establish ad hoc committees of the collegiate faculty; appoint department chairs, school directors, and other academic administrators from within departments in accordance with policies and procedures specified; and serve on various councils, commissions, and committees as set forth in university policy.

The performance in office of each college dean is reviewed periodically by the Provost. College deans hold faculty rank and engage in the teaching, research, and public service functions of faculty to the extent feasible.

In some colleges of the university the deans are assisted by associate and/or assistant deans and/or directors who are assigned responsibilities by their deans and who report directly to them.

I. The Dean of Libraries

The Dean of Libraries is the chief administrative officer of the Clemson University Libraries. In dealing with the Library faculty, the duties of the Dean of Libraries are the same as those of the Deans of the Colleges. The Dean of Libraries is a member of the Academic council.

The performance of the Dean of Libraries is reviewed periodically by the Provost. The Dean of Libraries holds faculty rank and engages in teaching, research, and public service functions of faculty to the extent feasible.

The Dean of Libraries is assisted by an Assistant Dean of Libraries and the Library Chair, both of whom report directly to him. As delineated in the Bylaws of the Library Faculty, the library chair performs the duties of a department chair.

J. The Department Chairs

Department Chairs are generally responsible for the activities of their departments, for which they are accountable to the school director and/or to the dean of the college. Their primary responsibility is to ensure the quality of the teaching, research, and public service program and its delivery within their departments while continuing to engage in their own teaching, scholarship, and public service activities. Department chairs represent their departments in relations with other departments and schools and with the deans and other administrative officers of the university. In exercising leadership in the improvement of departmental programs and of the departmental faculty, a chair is expected to take initiatives to report that unit's needs and advocate its goals and plans.

A department chair's specific functions include: ensuring implementation of departmental policies and procedures involving peer evaluations; recommending faculty appointment, reappointment, tenure, promotion, termination, and dismissal; negotiating with prospective faculty; monitoring departmental implementation of Affirmative Action policies and procedures; annually evaluating each member of the department's faculty and participating in the evaluation of staff; developing budgets in concert with school directors and college deans and allocating such funds for instructional and other purposes; hearing informal faculty grievances and cooperating in formal grievance procedures; supervising the department's program of instruction, including curriculum, scheduling, faculty workload, and departmental research and public service; ensuring that students' rights are preserved; supervising the advising of departmental majors and graduate students; monitoring student evaluation of instruction, courses, and programs; providing leadership in student recruitment, student advising, and student placement; coordinating and supervising summer school programs and freshman/transfer orientations; making recommendations concerning applications for professional travel and sabbatical leave; arranging meetings of the departmental faculty; meeting with the departmental advisory committee and appropriate constituent and advisory groups for the discipline; establishing accreditation and ad hoc departmental committees; and carrying out other such duties as shall be assigned by the school director and/or the dean of the college or as set down in university policy, or in collegiate bylaws, school or departmental bylaws.

Department chairs serve at the pleasure of their respective school directors and collegiate deans, who formally evaluate the performance in office of chairs reporting to them before the end of the chair's second year in office and every fourth year thereafter. In making recommendations for reappointment, deans will transmit the results of the faculty evaluation of the chair and confer with the Provost before renewing the appointment. All chairs of academic departments hold faculty rank.

K. Procedure for Selection of the President and Other Academic Administrators

In the selection of the President of the university, the Board of Trustees recognizes the interests of the university Faculty and Extension Personnel and other university constituencies. The Presidents of the faculty senate and the Extension Senate and one Professor elected for this purpose by the Professors are appointed to the eleven-member Screening Committee. The Screening Committee develops a list of approximately ten available candidates and submits their names to the Selection Committee.

The Selection Committee is comprised of five members: three Trustees, the President of the faculty senate, and the President of the Student body. The Chairman of the Board of Trustees is an additional ex-officio member of both committees. The Committee receives the report and recommendations of the Screening Committee and makes recommendations to the Board of Trustees.

The Board of Trustees elects the President of the university to serve at its pleasure. The complete Selection Process for the President of Clemson University can be found in the *Trustee Policy Manual*. The Board also reserves to itself final review authority over the appointment of officers of the university who report directly to the President and over the appointment of the deans of the university.

When the appointment to any other academic administrative position is to be made, a faculty search-and-screening committee, with student and staff representation when appropriate, shall be formed to recommend persons to fill that position. This committee shall submit a short list of candidates for the position from which the appointment shall be made. If an appointment cannot be made from this list, the search and screening committee may take additional nominations. If no other candidates are acceptable to the committee, the matter shall be brought to the attention of the Provost, who shall consult with the appointing administrator and the search and screening committee with regard to appropriate actions.

When feasible, student representatives shall be nominated by student clubs or other assemblies associated with the unit in question; where unfeasible or impractical, student representatives shall be nominated by the President of the Student senate and/or the President of the Graduate student government. At its discretion, each committee shall be empowered to add other individuals as non-voting members.

The selection and appointment of all academic administrators shall be in conformity with applicable University Affirmative Action policies and procedures. In particular, in the selection of each search and screening committee, **diverse representation with respect to race and gender** shall be included whenever feasible. **Form CUFM-1001 in Appendix D shall be used to document the composition of the search and screening committee and the appointment procedure. After all required signatures have been obtained, the President's office will forward this form to the immediate supervisor of the selected administrator, with a copy to the office of the Faculty Senate.**

For the selection of an academic department chair or other academic administrators within a department, a committee shall be formed from the faculty within that college, plus at least one student. The majority of the members of this committee shall be elected by the faculty of the affected department; the minority may be appointed by the dean of the college. The dean shall make the appointment from the list submitted by the committee, subject to the approval of the Provost and the President.

For the selection of an assistant dean, associate dean, or director within a college, a committee that includes at least one student from that college shall be formed. A majority of the members of the committee shall be elected by the faculty of that college or equivalent administrative unit (for the Dean and Director of the Cooperative Extension Service, a majority of the members of the committee shall be elected by the Extension Senate); the minority may be appointed by the dean of the college or an equivalent administrator. The dean shall make the appointment from the list submitted by the committee, subject to the approval of the Provost and the President.

For the selection of an academic administrator of an off-campus program, the committee shall represent both the off-campus program and the appropriate on-campus academic areas. The majority of the representatives to this committee shall be elected by the affected faculty; the minority may be appointed by the dean of the college. The dean shall make the appointment from the list submitted by the committee, subject to the approval of the Provost and the President.

For the selection of the dean of a college or Library, a committee shall be formed which includes at least one student, at least one department chair (or equivalent) from within the college, and either an off-campus representative of an appropriate profession or a dean from another college within the university. The majority of the representatives to the committee shall be elected by the faculty from within the affected administrative unit; the minority may be appointed by the Provost. The Provost shall make the appointment from the list submitted by the committee, subject to the approval of the President.

For the selection of a Vice Provost, an academic dean (other than a college dean), or other academic administrators not specified elsewhere who report directly or indirectly to the Provost, the Provost (after consultation with the advisory committee of the faculty senate) shall appoint a committee which includes at least one student. For the Vice President for Public Service and Agriculture (see Section M below) the committee shall include a county extension agent. The Provost shall make the appointment to the position from the list submitted by the committee, subject to the approval of the President.

For the selection of the Provost, the President (after consultation with the advisory committee of the faculty senate) shall appoint a committee which includes at least one graduate student and one undergraduate student. The President shall appoint the Provost from the list submitted by the committee.

This university policy on the selection of academic administrators was adopted by the Board of Trustees in July, 1981. It modifies the previous policy by providing for student participation and for enhanced faculty participation in the selection of all academic administrators. It is not intended to circumscribe or otherwise constrain the ability of academic administrators to modify the duties and responsibilities of incumbent administrators who report to them, or to change the titles of existing positions so as to alter duties and responsibilities.

L. Review of Academic Administrators

University policy adopted by the Board of Trustees in January 1981 and modified in May 1998, establishes procedures for the review of academic administrators. Administrative officers of the university serve at the pleasure

of their respective supervisors. Thus, appointment to an administrative position, whether as department chair, director, dean, vice provost, or provost does not assure continuance in office for any specific period of time. These individuals will be subject to periodic review as outlined below in lieu of post-tenure review. Individuals wishing to substitute administrative review for post-tenure review must submit parallel documentation. Status as tenured or untenured faculty, however, is not affected by the termination of an administrative appointment.

In the normal performance of their duties, administrators are subject to evaluations. Such evaluations shall employ the standard Clemson University form for the evaluation of administrators (see Appendices F and G) submitted to the chair of the evaluation committee and will involve the faculty most affected by a particular administrator as well as that administrator's supervisor. In all instances of an administrator's review, a comment period of 15 days shall be provided. The affected faculty or constituent group is defined as follows: (a) all tenured and tenure-track members of a department, (b) all regular faculty of the appropriate college for academic deans and (c) all staff affected by that administrator.

Each administrator evaluation committee shall consist of **seven** members, **selected as follows**:

a) For a department chair, **four** members of the committee shall be selected **from the regular faculty of the department** by vote of the regular faculty in the department. **If a department has fewer than four regular faculty, the regular faculty shall elect regular faculty from related units to ensure four elected faculty.**

For **evaluation of** deans and other administrators, each academic unit within the college will nominate one **regular faculty member**, chosen by election within the unit. **Four** committee members shall be selected from this slate of nominees by vote of the regular faculty in the college.

b) The **administrator under evaluation** shall choose **a** member of the committee from the constituent group.

c) The immediate supervisor shall choose **a** member of the committee from the constituent group.

d) The **classified staff of the academic unit (department, school, college, etc.)** shall elect one of their number as their representative. **If no staff representative can be elected, such as might occur in a small department or if no person agrees to be nominated, the committee will consist of the six members described above.**

This committee procedure shall not preclude any faculty or staff member in the constituent group from providing advice directly to the immediate supervisor. In all instances the administrator evaluation committee will provide a written summary of faculty or staff opinion as solicited by the approved Clemson University form. As part of the review process department chairs and collegiate deans will supply the reviewing committee with the following materials: a plan for personal professional growth, a vision statement for the unit's future, a summary of activities and accomplishments including research, teaching and public service since the last review, and a roster of six references outside the unit whom the committee **may contact** for professional perspective.

Before the end of a department chair's second year in office and every fourth year thereafter, the appropriate dean shall conduct a formal review of that chair's performance. This review shall include receipt of the written summary from the administrator evaluation committee; it may include interviews and/or other forms of consultation by the dean with each tenured and tenure-track faculty member of the department as well as staff. At the discretion of the dean, the affected department's faculty Advisory Committee may be enlisted to assist in conducting the formal reviews. When the review process has been completed, the dean shall make a report to the Provost. Subsequently, a brief summary of the decision will be communicated to the department chair involved and the evaluation committee.

Likewise, the Provost shall formally review the performance of deans before the end of the dean's third year in office and every fifth year thereafter, consulting especially with department chairs and directors as well as with faculty and staff through the administrator evaluation system. The Provost will meet with the evaluation committee to receive its input and afterwards will report his/her conclusion to the dean. The Provost's conclusion will be communicated to the evaluation committee, and to the college at the next meeting of the college faculty. Likewise,

the President of the University shall review the performance of the Provost before the end of the Provost's fifth year in office and every fifth year thereafter, consulting especially with the academic deans and with representative department chairs and faculty, and staff. The President's conclusion will be communicated to the university community at the next meeting of the university faculty.

In all instances the evaluation materials generated in the review process shall be treated with the strictest confidence with only those in the review hierarchy entitled to access. The accumulated administrator evaluation forms are sent to Records Management and saved for five years. These evaluations should also be made available to the next evaluation committee.

M. The Non-Academic Administration: University Vice Presidents and Executive Officers

Non-academic university operations are organized under four major areas of administration, each headed by a chief administrative officer, responsible to the President of the university. These administrative officers and the units of the university that report to them are listed below:

1. Vice President for Advancement:
Clemson University Foundation; Public Affairs; Alumni Relations; Development; and Conference, Guest, and Visitor Programs.
2. Vice President for Public Service and Agriculture:
Agriculture and Forestry Research System; Cooperative Extension Service; Livestock-Poultry Health; Regulatory and Public Service Programs; Strom Thurmond Institute of Government and Public Affairs; Archibold Tropical Research Center in Dominica; and Housing Institute.
3. Vice President for Student Affairs:
Housing (Residential Life, Facilities/Business, University Judicial); Student Life (Campus Recreation, Career Placement and Counseling, Orientation, Student Activities/Union, and Leadership and Disabled Student Services); and Municipal and Health Services (Law Enforcement/Public Safety, Fire/EMS, Municipal Court, Parking, and Health, Counseling, and Psychological Services).
4. Executive Secretary to the Board of Trustees:
Access and Equity; Internal Auditing; Governmental Affairs; and Institutional Research.
5. Also reporting to the President: the General Counsel; the Athletic Director; the Associate Director for Athletic Compliance; and the Chief Financial Officer.

Specific committees in these Non-Academic areas are listed in Part VI.

PART III.

THE FACULTY

A. General Philosophy

Institutions of higher learning are communities of scholars in which faculty gather to seek, teach, and disseminate knowledge for its own sake rather than for any immediate political, social, or economic goal. Such institutions are conducted for the common good and not to further the interests of either the individual faculty member or the institution as a whole. The attainment of that common good depends upon the free search for truth and its free expression.

Academic freedom is essential to these purposes. Colleges and universities can fulfill their missions only when their faculties enjoy the academic freedom to pursue knowledge without fear of pressure from sources inside or outside their institutions. For this reason academic freedom is a right and not a privilege to be granted or withheld. As will be indicated below, however, such freedom carries with it commensurate duties and responsibilities.

It is the policy of Clemson University to preserve and defend academic freedom by vigorously resisting all efforts from whatever source to encroach upon or restrict it. In policy and in practice, the university and its accrediting agency, the Southern Association of Colleges and Schools, adhere to the 1940 Statement of Principles on Academic Freedom and Tenure of the American Association of University Professors (AAUP), which has long been recognized as providing reasonable and authoritative guidelines for American institutions of higher learning. The section on academic freedom below essentially reiterates the principles set forth in this statement, with some modification and extension consistent with its intent and with later declarations by the Association.

B. Academic Freedom and Responsibility

Their scholarship and mastery of their subjects entitles faculty to hold teaching positions and to enjoy freedom in the presentation of those subjects in the classroom. Thus it is inappropriate and improper for faculty persistently to intrude materials unrelated to their subjects into their teaching. It is likewise a violation of professional responsibility to fail to present the subject matter of a course as announced to students and as approved by the faculty in its collective responsibility for the curriculum.

Faculty members are entitled to full freedom in research and publication, subject to any restrictions set by law or by applicable codes of professional ethics, and subject to the satisfactory performance of their other academic duties and to stated university policy on outside employment. Research and/or consultation for pecuniary return should be based upon an understanding between the individual faculty member and the institution. Except under conditions of national emergency, a faculty member should not undertake research on university time or use university facilities or funds under any agreement which would (except for a clearly stated, reasonable time) prohibit open communication of the results.

Faculty members are citizens, members of learned professions, and officers of institutions of higher learning. As members of a community, Clemson faculty have the rights and obligations of any citizen. They measure the urgency of these obligations in the light of their responsibilities to their students, disciplines, professions, and to the university. When they speak or write as private persons, faculty shall be free from institutional censorship or disciplinary action, but they shall avoid creating an impression that they are speaking or acting for the university. When they speak or write within the areas of their expertise, faculty have the right to identify themselves by academic rank and institutional affiliation. In so doing, they should not assert or imply that they are acting as

spokespersons for the university. As professional educators and academic officers, they are aware that the public may judge their profession and their institution by their utterances. Hence, faculty members should endeavor to be accurate, to exercise due restraint, to show respect for the utterances of others, and, when appropriate, to indicate that they are not officially representing Clemson University.

Because freedom of access to recorded knowledge is essential to teaching, learning, and research in a democracy, the right and obligation of the university to provide a full range of materials on any subject, however unpopular, controversial, or apparently incorrect, shall not be infringed. The principles of academic freedom shall apply to the acquisition and preservation of such materials and also to those who provide and those who use them.

Because academic freedom also includes the right to hear, Clemson endorses the 1957 Declaration of the AAUP that the university "...asserts the right of students to listen to anyone whom they wish to hear [in the] belief that it is educationally desirable that students be confronted with diverse opinions of all kinds, [and Clemson further] holds that any person who is presented by a recognized student or faculty organization should be allowed to speak on . . . campus."

Duly constituted organizations at Clemson University may invite and hear speakers without fear of reprisals. However, in the exercise of this right it is recognized that:

"Membership in the academic community imposes upon students, faculty members, administrators, and trustees an obligation to respect the dignity of others, to acknowledge their right to express differing opinions, and to foster and defend intellectual honesty, freedom of inquiry and instruction, and free expression on and off the campus. The expression of dissent and the attempt to produce change, therefore, may not be carried out in ways which injure individuals or damage institutional facilities or disrupt the classes of one's teachers or colleagues. Speakers on campus must not only be protected from violence but must be given an opportunity to be heard. Those who seek to call attention to grievances must not do so in ways that significantly impede the functions of the institution." (1970 Declaration of the AAUP Council)

Academic freedom, then, is inevitably accompanied by academic responsibility. Various aspects of this responsibility are specified below. Nothing in this description is intended to abridge in any way the principles and procedures advanced in the 1940 AAUP Statement of Principles on Academic Freedom and Tenure. The description itself is derived in substantial measure from the AAUP Statement on Professional Ethics (1966).

Faculty members have responsibilities to their students. They shall encourage in students the free pursuit of learning and independence of mind, while holding before them the highest scholarly and professional standards. Faculty shall show respect for the student as an individual and shall adhere to their proper role as intellectual guides and counselors. They shall make every reasonable effort to foster honest academic conduct and to ensure that their evaluation of each student reflects, as nearly as possible, the true worth of the student's academic performance, regardless of considerations of race, creed, gender, or personal beliefs. Faculty shall eschew any exploitation of students for private advantage and shall acknowledge any significant assistance received from them.

Faculty also have responsibilities to their colleagues, deriving from their common membership in a community of scholars. They shall respect and defend the free inquiry of their associates. In the exchange of criticism and ideas they shall show due regard for the opinions of others and shall acknowledge their intellectual debts. They shall strive to be objective and fair in any professional judgments of their colleagues.

Faculty have responsibility to their disciplines and to the advancement of knowledge generally. In this regard their primary obligation is to seek and to state the truth as they perceive it. To this end, they shall devote their energies to developing and improving their scholarly competence. They shall exercise critical self-discipline and judgment in using, extending, and transmitting knowledge, and they shall at all times practice intellectual honesty.

Faculty have responsibilities to the university. Thus, faculty shall accept a reasonable share of the responsibility for the governance of the university. While exercising their right to evaluate university policies and procedures and to seek to revise them, they shall abide by such policies and procedures as are current, provided these do not contravene academic freedom. While individual faculty determine the amount and nature of the work they perform outside the university, they shall do so within the guidelines set forth in university policy (see Part

VIII, Section K.) and with full regard for their paramount responsibilities within the university. In the eventuality of a foreseen interruption or termination of a faculty member's service with the university, the effects of such a change upon the program of the university shall be taken into account and due notice shall be given.

In their formal capacity as employees of the State of South Carolina, faculty members are bound by the Rules of Conduct . . . for Public Officials and Public Employees prepared by the S.C. State Ethics Commission. In the main these rules have to do with the use of an official position for personal gain or to exercise improper influence. For example, no faculty member may "use or disclose confidential information gained in the course of or by reason of his/her official position or activities in any way that would result in financial gain for himself/herself or for any other person." Faculty seeking clarification of their status according to the Rules of Conduct should contact the university personnel division.

C. General Qualifications for Faculty Appointments

Individuals appointed to the Faculty of Clemson University are expected to exhibit and maintain mastery of their fields, whether they are appointed primarily for teaching, research, public service, librarianship, or administration. In judging the effectiveness of an individual's work, the quality of performance of assigned duties in teaching, research, public service, librarianship, and/or administration shall be considered, along with knowledge of subject matter, professional stature, contributions to professional societies, and contributions to the university through student counseling, committee work, assigned administrative duties, and public service activities. It is the responsibility of academic administrators to keep faculty clearly informed as to the duties required or expected of them.

Rank at initial appointment and promotion in rank are based on education, experience, accomplishments, and effectiveness of performance in the areas listed in the preceding paragraph. Specific qualifications are set forth in departmental guidelines. The departmental faculty, through a peer review process, is the primary judge of these qualifications. The details of the peer evaluation process vary among departments, but the general procedure is described in Part III, Section D. below along with the minimum expectations for individuals holding various academic ranks. These standards are not imposed rigidly, however, since illustrious achievements and national or international recognition may overshadow any requirements as to educational level and length of experience. Further, it should be understood that satisfying the minimal educational and experiential requirements does not in itself necessarily justify advancement in rank, for such advancement is based upon ongoing evaluations of a faculty member's professional accomplishments in the context of departmental, school, college, and university needs and expectations.

D. Regular Faculty Ranks

Regular Appointments. Regular appointments are full-time appointments in an academic unit that is under the jurisdiction of the Provost for individuals expected to have a permanent association with the university. Except for Instructor, these are tenurable appointments. Until tenure is granted, regular appointments are for one-year terms. Non-renewal requires advance notice (see Part IV, Section F). Regular appointments carry voting membership in the university Faculty. The term "relevant experience" used below is broadly interpreted to include professional experience judged to be pertinent to the position to which the faculty member is appointed (see Part III, Section C.). Degree requirements refer to earned degrees from institutions of recognized standing in subject fields relevant to the field of appointment. The general qualifications for the various ranks follow.

Instructor. Normally, the master's degree or equivalent is required, with preference given to those pursuing the terminal degree. Appointees should show promise for advancement to a higher rank. Instructors are eligible for promotion to assistant professor **only** if they have the qualifications for the rank of assistant professor, a position becomes available, **and** the department has conducted or conducts a national search for that position. Instructors not promoted by the end of the fourth year of service will receive a one-year terminal appointment. Instructor is not a tenurable rank, but three or fewer years of service in that rank may be credited toward tenure.

Assistant Professor. The terminal degree is normally required, but substantial progress toward the terminal degree may be acceptable. The persons appointed to this rank should show evidence of ability to meet the requirements for advancement in faculty rank.

Associate Professor. Normally, the terminal degree and relevant experience are required. Also expected is evidence of scholarly or creative publication; fulfillment of service responsibilities to the department, the school, the college, and the university; and marked success in teaching, research, and/or public service.

Professor. The terminal degree, relevant experience, and continued significant scholarly/creative accomplishment are required. The rank of professor is granted on the basis of distinguished scholarly or creative publication, outstanding contributions to the university, and conspicuous success in all areas of assigned responsibility in teaching, research, and/or public service.

Library Faculty. The library faculty ranks of General Librarian, Assistant Librarian, Associate Librarian, and librarian correspond to the faculty ranks of Instructor, Assistant Professor, Associate Professor, and Professor. The Guidelines for Appointment, Reappointment, Tenure and Promotion of Library Faculty specify qualifications for these ranks. Provisions of this *Manual* that refer to specific faculty ranks apply to the corresponding Library faculty ranks.

Retired Faculty. Regular faculty members, including library faculty, who have served at least five years at the university and fifteen years in the academic profession, receive the title of Emeritus or Emerita appended to their professorial rank upon official retirement. Part III, Section H enumerates the rights and privileges of retired faculty.

E. Special Faculty Ranks

Appointments to special faculty ranks include visiting, adjunct, and part-time positions as well as the special ranks of lecturer and post doctoral research fellow in academic units that are under the jurisdiction of the Provost. Conditions of appointment must be fully detailed in the appointment letter. Such appointments may be renewable, but they do not normally carry any expectation of renewal, are not tenurable, and service in such ranks normally does not count towards the tenure probationary period. Special appointments do not carry voting privileges except as may be provided in relevant college/school/departmental faculty bylaws.

Visiting Faculty. The term "visiting" denotes a temporary appointment of an individual for a term of one year or less, subject to limited renewals. Visiting appointments are appropriate only in cases in which the association with the university is meant to be temporary and brief. The qualifications for visiting faculty shall be comparable to those for appointment at corresponding regular faculty rank.

R.O.T.C. Faculty. Army and Air Force personnel are nominated by their respective services and are approved by the university for appointment to the faculty of the Reserve Officer Training Corps program. These appointments are generally for three-year terms. The appropriate faculty rank is determined by the qualifications of the individual.

Adjunct Faculty. The term "adjunct" denotes an advisory appointment. It is assigned to individuals whose principal employer may be other than Clemson University and who bring needed expertise to the teaching, research, or public service programs of the university. The qualifications for adjunct faculty rank shall be comparable to those for appointments at corresponding regular faculty ranks. Adjunct appointments generally do not involve remuneration from the university; are for one year or less; are individually negotiated as to terms; and, may be renewable. Adjunct appointments shall be limited to those making active contributions to the teaching, research, or public service programs of the university, and are subject to review by departmental faculty.

Research or Extension Faculty. The title of research or extension professor, research or extension associate professor, and research or extension assistant professor (depending upon professional qualifications) may be granted to persons engaged in full time research or public service who are supported exclusively (including fringe benefits) from external funds or foundation accounts. Such appointments must be initiated by the host department(s) in accordance with departmental bylaws and approved by the dean and the Provost. These positions are contingent upon the availability of external funds and adequate space; termination is automatic upon expiration of external funding. Individuals holding these positions will be subject to annual review utilizing the faculty activity system for faculty continuance. Initial appointment, reappointment, and promotion will be based on departmental bylaws and will be contingent upon plans for and contributions to the department's undergraduate, graduate, and public service

programs that interface with their research or public service activities. Examples are participation in departmental seminars, research exposure with undergraduate and graduate students, provision for funding of graduate students, service on the graduate advisory committee, and public service activities related to the department's mission. Distribution of indirect costs or overhead generated shall follow university policy. These positions are not tenurable, nor shall time spent in such a position count toward tenure.

Lecturer. This rank is assigned to individuals with special qualifications or for special functions in cases in which the assignment of other faculty ranks is not appropriate. **Full-time academic appointments shall be for one-year terms and may be renewed. (The termination date of appointments made for the full academic year shall be extended over the summer until the next academic year begins.)** Notice of renewal or non-renewal must be provided before July 15 for the following academic year. After four or more years of continuous appointment as a lecturer, one year's notice of non-renewal must be provided.

Temporary Lecturer. This rank is assigned to individuals who receive limited duration appointments. **These appointments shall be for one-year or less and may be renewed.**

Senior Lecturer. After six years of satisfactory performance a lecturer may be reclassified as a senior lecturer. **Equivalent experience at Clemson, such as that obtained in a visiting position, may be counted.** A department chair, with the concurrence of the department's advisory committee, may recommend an individual to the college dean who makes the appointment. Senior lecturers may be offered contracts ranging from one to three years with the requirement of one year's notice before termination. **This rank is not available to faculty with greater than 50% administrative assignment.**

Post Doctoral Research Fellow. This title denotes an appointment for special research functions, typically in connection with externally funded research projects. The individuals appointed shall have the general qualifications for regular faculty. The term of appointment normally shall not exceed one year. Limited renewals are possible.

Part-Time Employment. Individuals who are assigned less than full normal workloads in teaching, research, and/or public service may be appointed to the ranks of Instructor, Assistant Professor, Associate Professor, or Professor with the suffix, "part-time." Such appointments are made for one semester or one year, renewable. Qualifications for rank at initial appointment and for promotion are the same as for regular faculty ranks. These employees participate in the state retirement system, but appointments for less than three-quarters time do not carry any insurance or related fringe benefits, nor do they allow for reduced fees for enrollment in university courses.

F. Endowed Chairs and Titled Professorships

These positions are established in recognition of exceptional levels of achievement. The priorities placed on excellence in teaching, research, and public service vary with the purposes of the particular professorship or chair. A university chair is normally funded by an endowment which is the sole or primary source of the holder's remuneration. Holders of titled professorships are remunerated with state funds, but receive salary supplements from endowments or from annual grants to the university. Procedures for appointments to these positions are set forth below.

According to a policy adopted on July 17, 1981, by the Board of Trustees, those appointed to endowed chairs and titled professorships must be selected by members of the academic community. Because of the university-wide importance of such a position, there must be representation on the search-and-screening committee from a college other than the one to which the chair or titled professorship is assigned. In all cases nominations of candidates for the position shall be openly and publicly solicited.

For selection of alumni distinguished professors, **the faculty of each college elects a college selection committee** with representatives from each department offering undergraduate courses. Each **college selection committee** forwards not more than three nominees to the final selection committee. **The final selection committee**, composed of the collegiate deans and chaired by the senior collegiate dean in terms of service as dean, recommends **a single nominee** for each vacancy to the Provost. The Provost forwards all documentation, along with any comments of his/her own, to the President for final **approval**. If the President so directs, the Provost asks the

committee for additional nominations. **If additional nominations are requested, the college selection committee will again submit nominees to the final selection committee and the entire selection process is repeated.**

For all other endowed chairs and titled professorships, the composition of the search-and-screening committees shall receive the approval of the Provost. The majority of each such committee shall be composed of faculty members from the department to which the chair or titled professorship is assigned and shall be elected by the faculty of that department. At least one faculty member from a related discipline in another college shall be appointed to the committee by the Provost. Administrators in the line of appointment shall not serve on the committee. The committee nominates a slate of candidates and forwards its recommendations to the department chair. The department chair recommends a candidate for the position and forwards this recommendation, along with the slate of nominees, for review and approval by the dean, the Provost, and the President. If the President so directs, the Provost asks the committee for additional nominations.

The rank and tenure status of those appointed to endowed chairs and titled professorships shall be determined by the applicable rules, regulations, policies, and practices governing all appointments to the faculty of Clemson University. Inasmuch as endowed chairs and titled professorships are established in recognition of exceptional levels of achievement in teaching, research, and public service, individuals whose principal responsibilities are administrative are not normally eligible for these appointments. Under exceptional conditions a department chair or prospective department chair may receive an appointment to an endowed chair or titled professorship. Such an appointment must be ratified by a two-thirds vote of approval by the faculty of the affected department. This vote shall be by secret ballot and shall be administered by the department's tenure and promotion or personnel committee.

The university community as a whole has a vested and vital interest in the academic contributions of holders of endowed chairs and titled professorships. Consequently, while appointments to such chairs and professorships shall be for an indefinite period, and while the performance of the holders of such appointments shall be subject to the normal reviews of performance to which all faculty members are subject, special or periodic review of the professional performance of these particular faculty members may be conducted, but only if conditions stated at the time of award so stipulate. Such a review may be initiated by the dean of the college if requested by both the departmental faculty advisory committee and the department chair. If the holder of the chair or endowed professorship is the department chair, the dean of a college shall initiate the review at the request of the departmental tenure and promotion or personnel committee.

For any such review the Provost shall ensure that a committee (composed in the same manner as the search-and-screening committee that made the initial selection of the holder) evaluates the performance of the holder of the chair or titled professorship. Recommendations for removal by this Committee shall follow the same route as those of the initial search-and-screening committee. Should these recommendations result in a decision by the President to remove the incumbent from the chair or titled professorship, such a decision shall not affect the incumbent's tenure status and professorial rank. If the holder of the chair or endowed professorship is a department chair or prospective department chair, the appointments shall be independent.

Before the end of the fiscal year a record of all expenditures from the account supporting each endowed chair and titled professorship shall be made available to its holder.

G. Faculty Awards

The Alumni Master Teaching Award. Presented annually to a member of the faculty, this award recognizes outstanding classroom teaching. Nominations for the award may be made by any member of the Clemson University student body, faculty, or administration. Selection of the recipient is made by the student alumni council.

The Alumni Award for Outstanding Research. Jointly administered by the Clemson University chapters of Sigma Xi and Phi Kappa Phi, this award annually recognizes outstanding contributions to research by Clemson faculty.

The Alumni Award for Distinguished Public Service. This award is presented annually and recognizes distinguished service to the citizenry of South Carolina by Clemson specialists, extension workers, and county agents.

H. The Rights and Privileges of Retired Faculty

In recognition of their service to the university, their honored place in the university community, and their ongoing capacities for advancing human knowledge and contributing to the intellectual and cultural life of the university, retired faculty as scholars have certain rights and privileges accorded to them by Clemson University. For example, they are members of the university faculty (see *Faculty Constitution*, Part VII, Article I, Section 1) and are welcome to participate fully in all meetings of the university faculty. Colleges and academic departments may extend similar invitations to their retired colleagues.

In addition, it is the policy of the university to allow retired faculty and staff to use as many of its facilities and services as practicable. To this end the university provides a faculty identification card upon request to the university personnel division, which is used for Library and other privileges. Retired faculty may, upon application, be granted faculty parking privileges, receive reduced rates on athletic tickets, obtain Fike Field House membership, retain access to university computing services, and enjoy any other benefits accorded to faculty which do not exert undue financial burdens upon the university. In addition, they may request the use of available office and/or lab space and may apply, upon approval, for university research grants under the same rules as other faculty.

Those retired faculty who remain professionally active shall be allocated office and laboratory space to an extent commensurate with the level of their activity. Not less than three nor more than twelve months prior to retirement, the faculty member shall submit to the department chair a brief description of the nature and proposed level of activity. If the faculty member and chair cannot agree upon the allocation of space, the matter shall be referred to the dean of the college. If the matter cannot be reconciled at that level, it shall be adjudicated by an ad hoc committee consisting of a department chair from another college appointed by the Provost, a member of the faculty senate research committee appointed by the president of the faculty senate, and a chaired professor elected by the chaired professors. This committee shall conduct expeditious hearings, which shall include seeking input from faculty in the affected department, as well as from the retiree, the department chair, and the dean. The recommendation of this committee shall be final. Annually, three months prior to the anniversary of retirement, the retired faculty member shall submit to the department chair a concise report of activities in the previous year and a description of the proposed activities for the following year. Disagreements on the continuation of space assignments will be resolved in the manner described above.

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PART IV.

PERSONNEL PRACTICES

A. Procedures for Faculty Appointments

Candidates for appointment to the regular faculty shall be recruited and evaluated by a search-and-screening committee composed of members of the regular faculty and others if specified in departmental bylaws. Such committees are selected in accordance with departmental bylaws or, in the absence of relevant bylaws, by the departmental faculty Advisory Committee. The credentials of each applicant shall be made available to all regular departmental faculty, from whom information and recommendations regarding selection shall be solicited. The search-and-screening committee shall make nominations of suitable candidates to the department chair, including recommended rank and tenure status on appointment. Proposals for appointment with immediate tenure, tenure probationary periods of two years or less, and appointment at a rank higher than Assistant Professor must be reviewed in accordance with the department's tenure-and-promotion process. Transfers of tenured faculty between departments shall be reviewed by an appropriate departmental committee and a recommendation forwarded to the appropriate administrator.

The department chair shall make recommendations to the dean from the candidates nominated by the search-and-screening committee. If no appointment can be made from this list, additional nominations shall be sought from the committee. In the recommendation to the dean, the department chair shall indicate the degree of support of the faculty for the recommended candidate, for the suggested rank, and for the candidate's suggested tenure status, where appropriate.

All administrators and search-and-screening committee members shall ensure compliance with Affirmative Action guidelines (see Part IV, Section B.) and with "Procedures for Employing Non-citizens" (see the University Personnel Manual).

The selection of faculty for special appointments to meet temporary and/or short-notice needs requires that the department chair have greater discretionary authority. However, it is incumbent upon the chair to solicit responses from the faculty and to utilize the procedures for appointment of regular faculty whenever feasible.

B. Affirmative Action Policies and Procedures for the Recruitment and Appointment of Faculty and Administrators

Each college has its own affirmative action coordinator, appointed by the President, who establishes and monitors employment goals and timetables. The coordinator bears the responsibility for ensuring that each department in the college complies with both the letter and spirit of Clemson's affirmative action program. Specifically, each coordinator helps to implement affirmative action policy as related to the college and serves as liaison between the college and the Office of Access and Equity.

It is the policy of Clemson University that no person is to be accepted or rejected for employment solely on the basis of sex, minority group membership, or handicap. However, special attention to the identification, recruitment, and selection of minority group members, women, and handicapped individuals is consistent with state and federal laws and regulations and with university policy.

Every administrative and academic officer and search-and-screening committee shall take appropriate steps within the areas of their responsibility to ensure that for each faculty and other professional position an active and thorough recruitment effort is made for qualified females, members of minority groups, and handicapped individuals.

Such efforts shall be viewed by the Provost as an important factor in determining the acceptability of any recommendation for a position. Clemson's affirmative action policies and procedures are intended to complement

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the university's previous recruiting efforts. In this regard it is considered proper to define eligibility criteria so as to broaden the base of the talent pool to include special experience, training, and education not normally considered when such factors are important characteristics of eligibility for the position. Such considerations must be applied equally to all candidates for a position. The recommendation for an appointment to a position is to be made on the basis of the candidate's qualifications for the position.

Pre-Recruitment Stage. The search-and-screening committee of the department or equivalent unit shall complete a Position Announcement Form (AA-1) in consultation with the director of the university's Office of Access and Equity. The director also advises the committee on the most effective ways to distribute information about the availability of the position to minority groups, women, and handicapped persons, so as to encourage applications from these sources. Whenever feasible, the search-and-screening committee itself should include minority group members, women, and/or handicapped individuals.

Recruitment Stage. All correspondence and advertising shall indicate that Clemson University is an "Equal Employment Opportunity/Affirmative Action Employer," and all recruiting sources are to be informed of that fact by the committee. Federal regulations require that affirmative action employers collect and maintain data on the race, sex, handicapped status, and ethnic identity of all applicants for employment. This information, however, may not be required of applicants but may be voluntarily provided by applicants completing Affirmative Action Form 2 (AA-2).

If a particular applicant pool contains no or few minority, female, or handicapped candidates, the director of the Office of Access and Equity should be asked to provide the recruiting unit with additional assistance in establishing suitable contacts. The group of applicants considered shall include qualified minorities, handicapped persons, and women unless documentation is supplied that special efforts to recruit them have been made and failed.

There may be instances in which a person is recommended for a position by a search and screening committee without widespread recruitment efforts having been undertaken. Such cases may be justified when a qualified individual may be promoted from within the institution, when time is of the essence, when university operations would suffer as a result of an interim appointment, or when a person is available who is uniquely qualified for a position. By their very nature, such cases are rare. The acceptability of such cases shall be measured not only against the urgency of those particular appointments but also against past efforts to employ members of minority groups and women in the unit(s) recommending those appointments.

Appointment Stage. When the search and screening process has resulted in the selection of a candidate for appointment to a position, a form (AA-3) that documents the recruitment efforts for that position shall be prepared by the department chair or equivalent administrator in consultation with the director, Office of Access and Equity. This form shall be submitted to the Provost, without whose approval no offer to candidates shall be made. The dean of the college or equivalent administrator is responsible for monitoring the search and screening process to ensure that affirmative action policies and procedures are being followed. Upon receipt of the Provost's approval of AA-3, the dean issues the employment offer, utilizing the university's standard contract letter format.

C. Terms of Appointment

The offer of appointment to a prospective faculty member shall be made in writing by the dean of the college concerned, following a standardized procedure that includes establishing the appointment's terms and conditions. Any special understandings or conditions incumbent upon either party must be explicitly stated. The letter of understanding, upon acceptance by the appointee, along with relevant portions of the *Faculty Manual*, becomes the employment contract.

All regular appointments are to the rank of instructor or higher. In any regular appointment at Clemson University the initial appointment is for one year or less, subject to renewal for a one-year term. Tenure may be granted under the provision of Part IV, Section G. Tenure, having been granted, is continuous thereafter and can be revoked only through termination or dismissal under the terms of Part IV, Section K. and Part V, Section B.

Special appointments, such as those awarded to post doctoral research fellows, lecturers, visiting, adjunct, and part-time faculty as well as to R.O.T.C. personnel, generally specify brief associations with the university and limited faculty functions.

Except for faculty with tenured status, individuals holding teaching, research, or public service appointments shall be informed each year in writing of their appointments and of all matters relative to their eligibility for the acquisition of tenure. Any special standards adopted by the faculty member's department, school, or college shall also be brought immediately to the individual's attention.

D. Procedures for Renewal of Appointment, Tenure, and Promotion

Because the faculty of a department or equivalent academic unit is the primary judge of the qualifications of its members, peer evaluation is essential in recommendations for appointment, renewal of appointment, tenure, and promotion. All peer recommendations regarding any individual holding faculty rank in a department shall, therefore, originate within the faculty of that department. Individual departments at Clemson University establish written procedures and committee structures in order to facilitate peer evaluation. These written procedures must incorporate attention to "Best Practices for a Performance Review System for Faculty" Appendix G, numbers 1-11.

All personnel matters are confidential and a matter of trust. The departmental committee(s) reviewing appointment, promotion, and tenure matters shall be composed of full-time faculty members excluding individuals who, as administrators, have input into personnel decisions such as appointment, tenure, and promotion. Initial recommendations on personnel decisions are made by the faculty peer review committee and the department chair. In cases where there is no department chair, the administrative recommendation is made by the school director.

The chair or director may be invited to serve as resource person but may not be present during committee deliberations and voting. Departmental procedures for peer evaluation shall be in writing and shall be available to the faculty, the chair or director, the dean, and the Provost. Each department's peer evaluation process shall receive formal approval by the faculty, the department chair or school director, the dean, and the Provost. To the maximum extent possible, the procedures followed and criteria used shall be explicit.

The chair or director shall ensure that any faculty member eligible for renewal of appointment, tenure, or promotion is given an opportunity to be reviewed. The appropriate committee reviews each case in accordance with departmental procedures and policies, and renders a formal recommendation. The chair or director shall render a separate and independent recommendation as to the disposition of the case. The chair or director shall provide the committee charged with peer review with a copy of the recommendation. The chair or director shall also ensure that the affected faculty member is promptly informed in writing as to the results of and rationale for both recommendations. In cases of promotion or early tenure consideration, the candidate may withdraw from further consideration at this point.

The chair or director shall forward to the dean both recommendations, the supporting evaluations, and the candidate's dossier. In cases in which there is a discrepancy in the rationale for retention, tenure, or promotion between a faculty member's peer committee and that of the department chair/school director, that administrator shall make the dean aware of the discrepancy. The dean will meet with the chair/director and with the peer committee to discuss reasons for the discrepancy. A "Request for Personnel Action" form shall be attached to provide a record of the review at all administrative levels.

The dean reviews the complete file, makes a separate recommendation on the "Request for Personnel Action" form, and writes a report which includes a rationale for supporting or opposing the recommendations of the peer committee and department chair or school director. The dean may establish committees within the college to provide assistance and advice in such reviews. The dean shall promptly inform the candidate in writing of his or her recommendation and its rationale. If the dean's recommendation differs from those of the peer committee and/or the department chair or school director, it shall be discussed with them prior to informing the candidate.

Except in cases of penultimate year tenure review, the candidate is offered the opportunity to withdraw at this stage. In all other cases the complete file is forwarded to the Provost.

The Provost reviews the complete file and forwards a recommendation for final action to the President. If the Provost agrees with concurring recommendations of the peer review committee, the chair or director, and the dean, he/she may simply indicate this and sign the "Request for Personnel Action" form. Otherwise, the Provost shall write a recommendation to the President which includes a rationale in addition to completing and signing the

"Request for Personnel Action" form. The Provost shall ensure that the affected faculty member is informed promptly in writing as to the final action.

In the case of proposed new appointments of regular faculty, the primary peer evaluation of candidates' qualifications is made by the appropriate search-and-screening committee. However, appointment with immediate tenure, or with probationary periods of two years or less, or immediate appointment to a rank higher than assistant professor must be reviewed in accordance with the department's regular tenure and promotion peer evaluation process. These written procedures must incorporate attention to "Best Practices for a Performance Review System for Faculty," Appendix G.

E. Annual Performance Evaluation

The annual performance evaluation by the chair or director and evaluation by the faculty peer review committee shall be conducted on a calendar year basis, beginning in January for the preceding calendar year. These reviews must incorporate attention to "Best Practices for a Performance Review System for Faculty," Appendix G.

Establishment of Goals using Form 1 (Appendix C):

No later than Wednesday of the third full week after classes begin in the spring semester, the faculty member enters his/her goals for the year in the Faculty Activity System (FAS). No later than the end of the fifth full week the faculty member's goals and assigned duties for that year are established by the chair or director in consultation with the faculty member; the percentage of emphasis given to each goal area is determined at the same time. Evaluation Form 1, "Professional Goals and Duties" (in Appendix C and printed from FAS) is used as a written record of these matters. Where there is a disagreement, the chair or director has the final responsibility to determine duties and goals and to set the percentage of emphasis distributed among goals; a faculty member who disagrees may file a disclaimer and indicate his or her disagreement on Form 1. A signed, printed copy of Form 1 will be placed in each faculty member's personnel file. These goals are frozen for the university after the seventh full week of classes. If a revision of goals is required because of a significant change in workload or in response to input from the dean or chair, revised goals for the fall semester may be entered no later than Wednesday of the third full week after classes begin in the fall semester. Revised goals must be agreed to by the department chair or director. Disagreement is handled as in the same manner as in the spring. If goals are revised, a signed, printed copy of the new Form 1 will be added to the faculty member's personnel file.

Statement of Accomplishments using FAS and Form 2 (Appendix C):

No later than the end of the second full week of classes in the spring semester, each faculty member completes Evaluation Form 2, "Annual Report of Professional Accomplishments" and submits it to the chair or director. (Form 2 is found in Appendix C and printed from FAS.) While this report will, in most cases, correspond to goals laid out in Form 1, faculty need to record the fullest account of yearly activity, especially concerning matters that might not otherwise come to the attention of the chair or director. Accomplishments not listed as objectives on Form 1 should be clearly identified as such. This annual report is restricted to activities related to the faculty member's professional responsibilities and/or professional development.

Annual Faculty Evaluation using Form 3 (in Appendix C):

Form 3 records the department chair's summary evaluation of the faculty member. On the basis of material in Forms 1 and 2, personal observations, and a second interview, the chair or director completes Evaluation Form 3, "Evaluation of Academic Personnel" and forwards it to the dean no later than the end of the seventh full week of classes in the spring semester. In the case of tenure-track faculty, the chair may attach the faculty member's most recent reappointment recommendation to the annual performance review (Form 3) and then complete the balance of the form, including evaluation of any accomplishments after the reappointment evaluation.

The narrative evaluation has three parts: (a) a description of the individual's effectiveness with emphasis upon demonstrated strengths, (b) an indication of the area(s) where improvement is needed, and (c) suggestions of ways by which the faculty member can reach a higher stage of professional development.

In addition to a narrative evaluation, Form 3 calls for a "Total Performance Rating," a six-step scale ranging from "excellent" to "unsatisfactory." The department chair will check one category. After completing and signing Form 3, a copy goes to the faculty member who signs it and returns it to the chair or director. Signing this form does not imply agreement with the evaluation and the faculty member has the right to file a disclaimer to the chair's or director's evaluation within ten calendar days of its receipt. The chair will respond to any disclaimers and revise the evaluation if appropriate.

After ten calendar days, the chair or director forwards Forms 1, 2, and 3, including any attachments and disclaimers, to the dean. The chair or director is expressly prohibited from forwarding to the dean any material that was not seen by the faculty member during the evaluation process. After receiving the evaluation package, the dean has three weeks in which to read, sign, comment on the faculty member's performance and the chair's or director's evaluation, and return the package. The dean will respond to any disclaimers and revise the evaluation if appropriate. Finally, a copy of Form 3 must go to the faculty member who will read, sign, and return the form to the chair or director. The faculty member's signature does not imply agreement and a disclaimer to the dean's evaluation can be filed within ten calendar days of receipt. Any annual evaluation to which a disclaimer has been filed (including copies of Forms 1, 2, and 3, all disclaimers, all responses, and any other supporting documents) must be forwarded to the Provost for information before being returned to the dean's office, to the chair's office, and, finally to the faculty member.

Form 3, including all supporting documents (Forms 1 and 2, all disclaimers, all responses, and any other supporting documents), is an official document useful in faculty development and providing important information for decisions concerning reappointment, promotion, tenure, and salary. It becomes a part of the faculty member's permanent, confidential file retained by each college dean. The faculty member has the right of full disclosure of his/her confidential file.

In departments or schools with four or more faculty, excluding the chair or director, a faculty member may request and receive in a timely fashion a report on how the six categories of the "total performance rating" were distributed among his/her colleagues, i.e., how many rated "excellent," "very good," etc. Where there are sufficient numbers of faculty so that confidentiality can be maintained, a more precise distribution appropriate to the rank and tenure status of the inquiring faculty member will be reported.

F. Notification of Renewal and Non-Renewal of Appointments

The dean of the college shall notify non-tenured regular faculty members of the terms and conditions of the renewal of their appointments no later than May 16. Because the university budget requires legislative approval, salary notification may be delayed until after the General Assembly has acted.

Regardless of the stated term or other provisions of any regular appointment, written notice that a non-tenured appointment is not to be renewed shall be given to the faculty member in advance of the expiration of the appointment, according to the following schedule: 1) not less than three months in advance of the appointment's expiration if the faculty member is in the first year of service; 2) not less than six months in advance if in the second year of service; 3) at least twelve months before the expiration of an appointment after two or more years of service.

Special appointments do not require notice of non-renewal since such appointments are for stated periods of limited association with the university. The university does renew special appointments on a year-to-year basis in some instances. In such cases the university endeavors to provide reasonable notice of subsequent non-renewal.

G. Tenure Policies

After the expiration of a probationary period, faculty may be granted tenure, with their service terminated only for adequate cause and subject to due process in the consideration of their cases. Tenure is intended to enhance

freedom in teaching, research, and other professional activities, and to provide the economic security required to sustain these freedoms.

Faculty with the rank of Assistant Professor or higher are eligible for tenure. However, faculty promoted from Instructor to higher rank may apply for credit towards the tenure probationary period for prior service as Instructor. Such applications shall be made to the chair or director or equivalent administrator at the time of promotion and shall be subject to peer review. Any decision shall be communicated in writing to the applicant before the next regular semester.

The tenure probationary period for a full-time regular faculty member shall not exceed seven years. If advance written agreement is reached by a faculty member, the chair or director, the dean, and the Provost, periods of leave without pay may be excluded from this seven-year period. Included within the tenure probationary period may be the faculty member's full-time tenured or tenure-track service at other institutions of higher learning, subject to advance written agreement. Candidates must be notified of their options during the contract negotiation process. Agreements for immediate tenure or for a probationary period of two years or less shall be reviewed in accordance with a department's regular tenure peer evaluation process. **Probationary faculty who give birth, father, or adopt a child during their probationary period may, at their request, receive a one-year extension of the tenure decision. The request for an extension must come within two months of the birth or adoption. The extension will automatically be granted unless the chair or dean can document sufficient reason for denial. Normally, a maximum of two such extensions may be granted. Extension of the probationary period of a faculty member for serious illness, family tragedy or other special circumstances may be granted with the approval of the department chair, dean and Provost.**

All regular faculty appointments are made on a year-to-year probationary basis until tenure is granted. Each appointment renewal and all grants of tenure (including appointment with immediate tenure) shall be subject to a peer review of the individual's qualifications by the affected department, as set forth in Part IV, Section D. All grants of tenure shall be approved by the President of the university, and tenure notification shall be made in writing in accordance with procedures developed by the President.

Normally, the decision to grant tenure shall be made during the penultimate year of the probationary period and becomes effective at the beginning of the next year. In exceptional cases tenure may be granted earlier. A recommendation to confer tenure for an assistant professor must be accompanied by a favorable recommendation for promotion to associate professor. Factors considered in early tenuring may include relevant experience in other than tenure-track positions. Those persons holding tenure elsewhere may be considered for immediate tenure at Clemson, but this procedure shall not be considered as routine. Should notice of the denial of tenure not be given in advance of the expiration of the final probationary appointment (as provided in Part IV, Section F), tenure shall become automatic at the end of the probationary period.

Leave time taken which benefits the institution as well as the individual faculty member may count as probationary period service. Time spent as Lecturer or Post Doctoral Research Fellow, as Visiting, Part-Time, or Adjunct faculty, or in other non-tenure-track positions, shall not count as tenure probationary service.

The probationary period for all faculty begins in August of the calendar year in which the individual is officially added to the faculty roster. However, 9 month faculty officially joining the university after October 1st of a calendar year shall have their probationary period begin with the following August. Twelve month faculty officially joining the university after January 1st of a calendar year shall have their probationary period begin on July 1st of that calendar year.

H. Post Tenure Review

Purpose: Post-tenure review (PTR) serves to evaluate rigorously a faculty member's professional contributions. The review should be used to ensure that all faculty serve the needs of the students and the institution and that excellent faculty are identified and rewarded. Although the focus of PTR is on the performance of the individual since his or her last tenure or post-tenure review, the overall contribution of the individual faculty member to Clemson University should not be neglected.

Scope: All faculty members holding a tenured faculty position shall be subject to PTR except:

(a) a faculty member planning to retire by August 15th of the same academic year in which the post-tenure review would occur providing that a binding letter of intent to retire is signed thereby waiving the PTR.

(b) a collegiate dean will substitute his/her third year reappointment review and the one for every fifth year thereafter for the PTR.

(c) a department chair's second year review and the one for every fourth year thereafter will substitute for the PTR.

(d) an academic administrator returning to his or her academic department would be subject to PTR during the third year after rejoining the department.

Guidelines: The faculty of each academic unit shall prepare written guidelines (approved by a majority of the faculty, the respective dean, and the Provost) providing details of the PTR process. These guidelines must incorporate attention to "Best Practices for Post-Tenure Review," Appendix H numbers 1 through 12. Although the details may vary from one academic unit to another or from one college to another within the university, such guidelines must be consistent with the following principles to ensure appropriate rigor:

(a) The primary basis for PTR is the individual's contributions in the areas of research and/or scholarship, teaching, and service.

(b) Guidelines must be flexible enough to accommodate faculty members with different professional responsibilities.

(c) PTR shall not infringe upon the accepted standards of academic freedom. Sex, age, ethnicity, and other factors unrelated to an individual's professional qualifications shall not be considered in the review process.

(d) The chairperson of the academic department and the dean of the college must not be involved directly in the peer review process at the departmental level.

(e) The Post-Tenure Review must be linked to the annual reviews.

Procedure: To ensure the necessary institutional rigor, the following procedures must be used:

1. All tenured faculty will be peer reviewed every six years. The year or years in which a faculty member is on approved leave shall not be counted in the review period. Departments will devise a schedule of staggered reviews of tenured faculty within each rank. Reviews will be conducted in order of seniority, beginning with those who have the most longevity at Clemson University.

2. Each year a PTR committee will be constituted separate from the regular personnel committee(s) established by departmental bylaws. The faculty members subject to PTR in a particular year will not be eligible for membership on the committee. Only tenured faculty are eligible for election to the PTR committee. The size of the committee may vary from one academic unit to another; however, the committee must have a minimum of three members. In cases in which the department does not have enough tenured faculty to constitute a PTR committee, the departmental peer review committee will elect outside faculty from other departments who are qualified to serve on the PTR committee. The PTR committee will elect its own chair.

3. In order to ensure adequate external representation in the review process, departments must choose ONE of these options in drafting departmental personnel policy procedures:

(a) utilize reference letters submitted from outside the department on each individual under review,

(b) add to the PTR committee a faculty member or professional equivalent from outside the department nominated and elected according to departmental bylaws, OR,

(c) allow each faculty member under review the option of either having external letters solicited or

incorporating the external committee member in the review process.

4. The faculty member undergoing PTR must provide, at a minimum the following documents to the PTR committee and the department chair:
 - (a) a recent copy of the curriculum vita (paper or electronic);
 - (b) a summary of teaching evaluations (if appropriate to the individual's duties) for the last 5 years, including student evaluations;
 - (c) a plan for continued professional growth;
 - (d) detailed information about the outcomes of any sabbatical leave awarded during the six-year PTR period;
 - (e) if required by departmental personnel policy procedures, the names of six referees outside the department whom the PTR committee could contact for references; and
 - (f) any other documents relevant to the review.
5. The chair of the academic unit must provide the committee with copies of the faculty member's annual performance reviews covering five years accumulated since the initial tenure review or since the last post-tenure review.
6. The role and function of each faculty member, as well as the strength of the overall record, will be examined by the PTR committee. If provided in departmental bylaws, the PTR committee is required to obtain a minimum of four reference letters of which at least two must come from the list of six submitted by the faculty member.
7. The PTR committee will provide a written report to the faculty member. The faculty member should be given at least two weeks time to provide a response to the committee. Both the committee's initial report and the response of the faculty member will be given to the dean of the academic unit. The department chair will submit an independent written report to the faculty member who will then have two weeks to provide a response. The chair's original report and the faculty member's response will be submitted to the college dean. The dean will write his/her own report copying the faculty member, the PTR committee, and the chair and submit all materials to the Provost who establishes the final rating (Outcome). The Provost will file a report explaining the rating to the faculty member, the PTR committee, the chair, and the dean. A disclaimer to the Provost's finding may be filed.
8. Promotion will be counted as post-tenure review at any time within the 6-year cycle. If a faculty member desires to be considered for promotion in his/her 6th year in the cycle (or by the departmental bylaws established to identify colleagues during the first six years), s/he must also be considered for post-tenure review in the same academic year. In addition to the materials needed for promotion review, the PTR file would need to include: (a) two additional years of student evaluations and Evaluation Form 3s; (b) a plan for continued professional growth; (c) detailed information about any sabbaticals; and (d) any additional materials deemed necessary for PTR by departmental bylaws. **The PTR outcome is automatically considered as 'satisfactory' if the candidate is promoted or if the candidate is recommended for promotion by the department's peer review committee or its chair.** The time clock for PTR is reset at this time. If the individual being considered for promotion is not promoted, s/he will be required to undergo PTR at the time normally assigned or during the 6th year after the last PTR.

Outcome: The following rating system will be used in all stages of the review by the PTR committee, the chair, the dean, and the Provost:

- (a) *Satisfactory*
- (b) *Unsatisfactory*

If the ratings by the chair, dean, and Provost differ from the rating of the PTR committee, each must supply documented evidence explaining the difference. In cases involving a rating of "Unsatisfactory," the burden of

proving "Unsatisfactory" performance is on the university. To receive an "Unsatisfactory" as the final rating, both the PTR committee and the department chair must so recommend.

Remediation: Individuals who receive a rating of *Unsatisfactory* must be given a period of remediation to correct deficiencies detailed in the PTR reports. The chair in consultation with the PTR committee and the faculty member will provide a list of specific goals and measurable outcomes the faculty member should achieve in each of the next three calendar years following the date of formal notification of the unsatisfactory outcome. The university will provide reasonable resources (as identified in the PTR reports and as approved by the chair and the dean) to meet the deficiencies. The chair will meet at least twice annually with the faculty member to review progress. The faculty member will be reviewed each year by the PTR committee and the chair, both of whom shall supply written evaluations. At the end of the three-year period, another post-tenure review will be conducted. If the outcome is again *Unsatisfactory*, the faculty member will be subject to dismissal for unsatisfactory performance. If the review is *Satisfactory*, then the normal review cycle of six years will resume.

Dismissal for Unsatisfactory Professional Performance: If dismissal for unsatisfactory professional performance is recommended, the case will be subject to the rules and regulations outlined in the *Faculty Manual* (see Section K. below).

I. Promotion Policies

Recommendations for promotion are based upon the evaluations of a faculty member's performance and credentials by peers and administrators. Such evaluations are based on written criteria established by each academic department. Nevertheless, some general attributes and experience requirements are associated with the various ranks. (See Part III, Sections C and D for general qualifications.)

J. Salary Determination Procedures

Procedures for arriving at an individual faculty member's salary increase vary among colleges and from year to year. The following description, then, shall only be construed as outlining typical considerations.

The annual university budget received from the state includes an allocation for salaries. A portion of this is available for salary increases. Normally, the three possible components of salary increments for an individual are cost-of-living, merit, and promotion. In addition, funds may be set aside for special adjustments for various purposes. The allocation of faculty salary funds to promotion, merit, and cost-of-living is normally determined by the university, though the state often imposes constraints on permissible salary increases, exceptions to which may require approval by the State's Budget and Control Board.

Increases for merit and cost-of-living may not be uniform in percentage terms due to differences in productivity, because of inequities, or for other reasons. The chair or director has the responsibility for making the initial determinations of individual salary increments. An individual's recommended merit increase is based upon the performance evaluation by the chair or director although there may be no precise correlation between the annual faculty evaluation and the amount of salary increase.

The chair's or director's salary recommendations are forwarded to the dean for review and approval, and are subject to subsequent review by the Provost and the President. Salary notifications are sent to faculty by the dean at the earliest opportunity, normally in June or July. Not infrequently, notices are delayed by the lateness of the General Assembly in passing the state budget.

Any faculty member may request a summary report of the range and number of salary increases within a department, i.e., the number receiving 0-0.9%, 1.0-1.9%, etc. If confidentiality can be maintained, the report may be by faculty rank.

K. Resignation, Termination, and Dismissal

A faculty member may resign an appointment effective at the end of an academic year. Notice should be given in writing at the earliest possible opportunity, e.g., within thirty days of acceptance of a new position elsewhere or within thirty days of receiving notification of the Clemson appointment and salary for the next

academic year, whichever is earlier. The faculty member may request a waiver of these requirements in the case of hardship, or where the member would otherwise be denied substantial professional advancement or other opportunities. Professional ethics require that the faculty member consider the needs of students and obligations to the academic community in scheduling such a departure and in giving the maximum notification feasible to the university.

"Termination" is to be understood to mean "the removal or discharge of a faculty member with tenure, or of an untenured faculty member before the end of the specified term of the appointment, because of institutional exigencies or because of the physical or mental inability of the faculty member to perform normal duties." Specific causes and procedures for termination, and the steps available to the faculty member for appeal, are set forth in Part V, Section B. as aspects of Faculty Grievance Procedure I.

"Dismissal" is to be understood as "the removal or discharge of a faculty member from a tenured position, or from an untenured position before the end of the specified term of the appointment, for cause." Actions that could reasonably be construed as having extremely adverse effects upon Clemson University, such as serious violations of law, could result in the initiation of procedures of dismissal "for cause." In a similar category are: blatantly unprofessional conduct, such as the continued neglect of important responsibilities; markedly sub-standard performance of duties; or highly serious breaches of university regulations such as falsification of credentials submitted in application for a faculty position. Sufficient cause for such a dismissal must be related directly and substantively to the faculty member's professional fitness as a teacher and/or researcher or as a librarian. Specific causes and procedures for dismissal, and the steps available to the faculty member for appeal, are set forth in Part V, **Section C.** as parts of Faculty Grievance Procedure I.

V.

PART V.

GRIEVANCE PROCEDURES

A. General Information

Two grievance procedures are available to faculty members to facilitate the redress of alleged injustices. Faculty Grievance Procedure I (GP-I) is concerned primarily with the dismissal or termination of tenured faculty or of non-tenured faculty prior to the expiration of a contract period. It also deals with any complaints based on unlawful discrimination due to race, sex, or any other legally protected status. As a result of legislative action, the general State Employee Grievance Procedures do not apply to faculty members. GP-I has been officially approved by the State Personnel Division as the grievance procedure for Clemson University faculty members for such cases.

Faculty Grievance Procedure II (GP-II) was adopted by the University Board of Trustees on July 17, 1981. It applies to matters not covered by GP-I. Such matters as inequitable work assignments, unfair performance reviews, or improper implementation of policies and procedures are encompassed by GP-II.

The non-renewal of untenured faculty appointments may be grievable under either GP-I or GP-II, depending upon the grounds for the complaint. If the complainant alleges that unlawful discrimination or violations of academic freedom were involved in the decision not to reappoint, GP-I is the appropriate avenue for seeking redress. GP II is applicable if the complainant alleges that departmental, school, college, or university policies and procedures were not properly followed.

If at any time the Provost determines that a faculty member has filed grievances concurrently under both GP-I and GP-II, and that these grievances are based on the same or a related factual situation, the Provost may suspend processing of one petition until a final decision has been reached on the other petition. GP-II petitions will usually be addressed first. The Provost may decide to hear the GP-I petition prior to the GP-II petition. In all cases, the Provost will notify the advisory committee of the faculty senate, the Grievance Board, and all parties to the grievance when either procedure is suspended pending outcome of the other petition.

If a grievance filed under GP-II is suspended as stated above, the time limitations stated in the procedure shall be suspended until such time as the Provost resumes the processing of the grievance. For all grievances, the time periods given within this section shall refer to calendar days.

For persons seeking assistance in understanding grievance procedures, the faculty senate provides the services of grievance counselors. A counselor offers advice on which of the grievance procedures to follow prior to filing a grievance petition. At the request of the petitioner, the grievance counselor will review the petition before it is submitted to assist in clarifying the grievable allegations. The counselor, however, does not render any decision on the merits or substance of the petition. Administrators may also seek advice of counselors on grievance matters. Information about general procedures followed in grievance hearings helpful to the respondent can be obtained from grievance counselors. Grievance counselors will not advise faculty members or administrators from their own colleges and will not act for both parties to the same case. Individual counselors may seek advice from fellow counselors and may refer their clients to other counselors to expedite the grievance process.

Five counselors selected from different colleges will usually be in office at the same time. These counselors are appointed annually by the faculty senate advisory committee from the ranks of tenured Associate Professors and above who have a thorough knowledge of the *Faculty Manual* and the grievance processes. At least one of the five counselors appointed will be an academic administrator. The advisory committee will attempt to stagger the counselors' terms on a three-year rotation and to provide minority representation whenever possible. The counselors are authorized to talk with any persons involved in the potential grievance and are accorded the protection afforded

faculty members involved in grievance procedures. The names of the counselors are available from the President of the faculty senate or the Provost.

All parties to a grievance, including witnesses, are expected to adhere to the highest standard of honesty expected of all faculty members at all times.

Guidelines related to all aspects of the grievance procedures should be obtained from the faculty senate Office or the faculty senate web site (<http://www.lib.Clemson.edu/fs/>) prior to filing any grievance. Once each academic year the Chair of the faculty senate advisory committee and the Chair of the Grievance Board will give to the faculty senate a summary report concerning grievance activities with respect to Faculty Grievance Procedures I and II, respectively. The full texts of both grievance procedures follow.

B. Ombudsman for Faculty, Postdoctoral Fellows, and Graduate Students.

The faculty senate through the Provost provides an Ombudsman who serves the interests of faculty, post-doctoral fellows, and graduate students by acting as mediator in any dispute in which they may be involved. The confidential services of this professor, knowledgeable about the grievance process, are available free of charge with the expectation of resolving disagreements before they reach the formal stages outlined in the following sections on grievance procedures.

The Ombudsman will report to a sub-committee of the faculty senate Executive/Advisory Committee composed of: the immediate past president, the president, and the vice president/president elect of the faculty senate; the faculty representative to the Board of Trustees; a faculty member appointed by the advisory committee annually; and a faculty member appointed by the Ombudsman annually. In conducting the affairs of this office the ombudsman shall be independent and free from any and all restraint, interference, coercion or reprisal. The ombudsman shall be protected from retaliation. Should these principles be violated, the violations should be brought to the attention of the Provost and, if necessary, to the President of the university.

C. Faculty Grievance Procedure I (GP-I)

1. Coverage. Any person holding a faculty appointment (see Part III, Sections D and E) at Clemson University, including academic administrators, may file grievances under this grievance procedure.

2. Grievances.

a. Dismissal from employment with the university is grievable under this procedure. A dismissal is the "removal or discharge of a faculty member from a tenured position, or from an untenured position before the end of the specified appointment, for cause." Adequate cause for dismissal must be related directly and substantively to the fitness of the faculty member in his/her professional capacity as a teacher or researcher. Dismissal may be initiated by any administrator in the chain of supervisory responsibility. The burden of proof that adequate cause exists rests with the university. Causes for dismissal are: 1) conduct seriously prejudicial to the university through infraction of law or through moral turpitude; 2) repeated or significant failure to perform the duties of the position to which the faculty member is assigned, or performance of duty demonstrably below accepted standards; and 3) breach of university regulations that include, but are not limited to, violation of confidentiality, falsification of credentials, plagiarism, and that have serious adverse effects on the university.

Action for dismissal of a faculty member must be in writing, must contain a statement of reasons or charges, and must be presented to the individual concerned subsequent to discussions between the faculty member and appropriate administrative officers looking toward a mutual solution.

b. Termination from appointment by the university of a faculty member with tenure, or of a non-tenured faculty member before the end of a specified term of appointment, is grievable under this procedure. Causes for termination are: 1) institutional contingencies such as the curtailment or discontinuance of programs, departments, schools, or colleges, or other conditions requiring reductions in staff; 2) financial exigencies which are demonstrably bona fide; and 3) a faculty member's physical or mental inability to perform normal duties.

Termination of appointment may be initiated by any administrator in the chain of supervisory responsibility. The faculty member concerned shall be given written notice of termination with reasons therefore as soon as possible, but not less than twelve months in advance of termination. Before a termination of appointment based on the abandonment of a program or department of instruction is initiated, every effort shall be made by the Administration to place the affected faculty member in another suitable position. If an appointment is terminated before the end of the period of appointment because of financial exigencies or because of the discontinuance of a program of instruction, the released faculty member's position shall not be filled by a replacement within a period of two years, unless the released faculty member has been offered reappointment and a reasonable time has elapsed within which he/she may accept or decline the position. Termination for medical reasons shall be based upon clear and convincing medical evidence.

c. Grievances alleging unlawful discrimination in compensation, promotion, and/or work assignments are also grievable under GP-I. Any grievance based on race, color, religion, sex, national origin, age, handicap, or status as a disabled veteran or a veteran of the Vietnam era, alleging discrimination prohibited by federal law or regulation, also may be filed under this procedure.

d. In addition to the above, any non-tenured faculty member who alleges that violations of academic freedom significantly contributed to a decision to cease, in any manner, his/her appointment with the university, may file a grievance under this grievance procedure. In such a case, the burden of proof rests upon the faculty member.

3. Procedure.

a. A faculty member who desires to file under GP-I must submit a written petition within thirty days after the date of the alleged grievance. (As an example of the time limits, if notification is given that a faculty member will be dismissed for cause, the thirty-day time period begins with the date that the faculty member was notified. The time period does not begin with the effective date of dismissal.) The petition is to be submitted to the Chair of the faculty senate advisory committee. The grievance petition must state specifically the parties involved, places and dates, and the relief sought. After thirty days have passed, the faculty member forfeits the right to petition under this grievance procedure and any actions taken with respect to the faculty member shall become final.

b. If the petition is filed during one of the long semesters of the regular academic year, the Chair of the faculty senate advisory committee shall call a special meeting of the committee within fifteen days of receipt of a properly submitted petition. If the petition is filed at any other time, the special meeting of the faculty senate advisory committee will be held within fifteen days after the beginning of the next long semester. If the Provost deems the matter of sufficient urgency, he/she may request that the faculty senate advisory committee meeting take place at a time outside the normal academic year. In this case those members of the faculty senate advisory committee who have nine-month appointments will be compensated at a rate equal to that of their normal salary for any day or fraction thereof. A quorum for this meeting shall consist of five members of the advisory committee. If the advisory committee determines the petition is not grievable under this procedure, the Chair shall notify the faculty member within seven days of that decision and the matter is closed.

If the advisory committee determines that the matter is grievable under this procedure, the chair shall notify all parties to the grievance within seven days of that decision. At the same time, the chair shall send copies of the petition to those against whom the grievance is brought.

c. The advisory committee of the faculty senate will be the Hearing Panel. The committee will, within thirty days after reaching the decision to hear the petition, set a date for the hearing. The chair shall give each party to the grievance thirty days written notice of the hearing. Notification of the hearing date will include: a) the time, place and nature of the hearing; b) the procedure to be followed during the hearing; c) a statement of the legal authority under which the hearing is to be held; d) references to pertinent university statutes and portions of the *Faculty Manual*; and e) a short and plain statement of the matters asserted. The hearing shall be held during one of the long semesters of the regular academic year, unless the Provost deems the matter of sufficient urgency, and requests that the hearing take place at a time outside the normal academic year. In this case those members of the faculty senate advisory committee who have nine-month appointments will be compensated at a rate equal to that of their normal salary for any day or fraction thereof.

The faculty member may waive the hearing by so notifying the chair of the advisory committee in the grievance petition, in which case the advisory committee shall take whatever action is necessary to ensure a fair and expeditious review of the grievance and base its recommendation to the Provost thereon.

Members of the advisory committee shall remove themselves from the case if they deem themselves disqualified for reasons of bias or conflict of interest. The faculty member(s) concerned shall have a maximum of two challenges each without stated cause. If such removals and challenges reduce the membership of the hearing panel below five, the President of the faculty senate shall make appointments from the Senate to ensure a committee composition of at least five members.

The faculty member shall be permitted in all proceedings to have and be represented by an advisor of his/her choice. All matters pertaining to the grievance shall be kept confidential and the hearing shall be closed to the public. A verbatim record of the hearing shall be taken and a typewritten copy thereof transcribed and made a part of the record.

Both parties shall be permitted to offer evidence and witnesses pertinent to the issues; the administration, so far as possible, shall assist in securing the cooperation and attendance of witnesses and shall make available documents and other evidence under its control. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. If an objection is made to any evidence being offered, the decision of the majority of the panel shall govern. When the hearing may be expedited and the interest of the parties shall not be substantially prejudiced, any part of the evidence may be received in written form. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. All written evidence submitted by all parties to the grievance hearing **must** be received by the chair of the hearing panel not less than 7 days prior to the date set for the hearing; any material received after that date may be allowed or excluded by the hearing panel at its discretion. At its discretion, the hearing panel may grant adjournment to either party to investigate evidence concerning which a valid claim of surprise is made. Both parties may ask questions of witnesses. Members of the panel may ask questions of any party or witness at any time during the hearing.

d. Findings of fact and recommendations of the hearing panel must be based solely on the hearing record and shall be submitted to the Provost. The majority vote of the panel shall be the recommendation forwarded to the Provost. The recommendation must be submitted to the Provost within fifteen days after conclusion of the hearing. If the hearing procedure has been waived, recommendations of the Panel shall be submitted to the Provost no later than fifteen days after completion of its investigation of the grievance. Both parties to the grievance shall be given copies of the recommendation at the time they are forwarded to the Provost. The chair shall provide a copy of the transcribed record to both parties as soon as it becomes available.

e. The Provost shall review the record of the hearing and shall render a written decision within thirty days of receipt of the transcribed record. The decision shall include findings of fact and conclusions of law, separately stated. Copies of the decision shall be sent to all parties to the petition and to the Hearing Panel.

4. Appeals. The faculty member may appeal the Provost's decision to the President. A written appeal must be submitted to the Office of the President within ten days after receipt of the Provost's decision. If an appeal is made, the President shall review the hearing record and the decision of the Provost and shall render a written decision within thirty days of receipt of the request for the review. The decision shall include findings of fact and conclusions of law, separately stated. Copies of the decision of the President shall be sent to all parties, the Provost, and the hearing panel.

The faculty member may appeal the decision of the President to the Board of Trustees. A written appeal must be submitted to the Executive Secretary of the Board of Trustees within ten days after the receipt of the President's decision. Receipt by the Executive Secretary shall be deemed receipt by the Board. If an appeal is made, the Board of Trustees, or a committee of Board members appointed by the Chair, shall review the record of the hearing and the decisions of the President and the Provost, and shall render a final decision on behalf of the university. The decision shall be in writing and shall include findings of fact and conclusions of law, separately stated. Copies of the decision shall be sent to all parties, the President, the Provost, and the hearing panel.

5. Final Decision. If a grievance is filed in a timely manner under this procedure, the action taken against the faculty member which forms the basis for the grievance shall not become final until the appeals process is exhausted and a final decision is rendered on behalf of the university. If the faculty member does not appeal any step of the procedure within the time limits prescribed herein, the last decision rendered shall become the final decision of the university.

6. Continuation of Duties and Salary While Grievance Pending. If the action which forms the basis for the grievance filed by the faculty member could eventually involve any type of discontinuance of appointment with the university as stated above, the faculty member shall not be removed from his/her university duties until a final decision is rendered under this grievance procedure. The exception to this principle would be that, prior to the final decision being rendered, the faculty member may be relieved of all duties or assigned to other duties if immediate harm to himself/herself or to others is threatened by continuance in the affected individual's normal assignment. Before taking such action the Administration shall consult with the advisory committee of the faculty senate. The salary of the faculty member shall always continue until a final decision is rendered by the university.

7. Protection of Faculty Members and Others Involved in Grievance Procedures. Each faculty member and any other person involved in grievance procedures shall be free from any or all restraint, interference, coercion, or reprisal on the part of associates or administrators in filing a grievance, in accompanying a faculty member filing a grievance, in appearing as a witness, or in seeking information in accordance with the procedures described herein. These principles apply with equal force after a grievance has been adjudicated. Should these principles be violated, the violations should be brought to the attention of the Provost for appropriate remedial action. Should the faculty member not receive satisfaction from the remedial action taken by the Provost, an appeal may be made to the President, and subsequently (if necessary) to the Board of Trustees.

D. Faculty Grievance Procedure II (GP-II)

1. Coverage. GP-II applies to teaching, research, and extension faculty, librarians, academic administrators, and all other persons holding faculty appointments (see Part III, Sections D and E) at Clemson University who have grievances that may not be brought under GP-I. If related grievances are filed under both GP-I and GP-II, processing of the GP-II case may be suspended pending resolution of the GP-I case.

2. Delineation of Grievable and Non-grievable Matters. Grievable matters include such actions as:

- a. the improper or unfair (to the complainant) implementation of departmental, college, or university policies or procedures by persons authorized to implement such policies or procedures;
- b. the improper or unfair (to the complainant) application of recognized criteria or guidelines used in formal review processes by persons authorized to conduct such reviews;
- c. the improper or unfair (to the complainant) assignment of professional duties by an administrator;
- d. improper or unfair appraisal (by an administrator) of the complainant's performance;
- e. the improper or unfair denial (by an administrator) of the complainant's access to departmental, college, or university resources;
- f. the improper or unfair determination (by an administrator) of the complainant's salary increment; and/or
- g. other matters that the Provost together with the Grievance Board may determine are grievable. The burden of proof that such matters do constitute cases of unfairness lies with the petitioner.

Complaints arising out of the authorized exercise of faculty and administrative judgment and discretionary powers are usually not grievable. Thus, usually not grievable are recommendations of contract non-renewal and denial of promotion or tenure as long as appropriate policies and procedures have been followed. Minor complaints are usually not grievable. What constitutes a "minor complaint" is left to the discretion of the Provost or the Grievance Board.

3. Procedure.

- a. A faculty member with a grievance shall first meet with the department chair for an informal discussion of the matter. This discussion must take place within ninety days of the matter's occurrence. Both shall meet in good faith and shall make every attempt to resolve the matter in an equitable and professional manner.

b. If the matter cannot be resolved at the level of the academic department, the faculty member shall meet with the dean for an informal discussion. The faculty member must request this interview within fifteen days of the discussion of the matter with the department chair. The dean shall arrange for a meeting with the faculty member within fifteen days upon receiving the request. Again, the resolution of the matter in an equitable and professional manner shall be the primary goal of those involved.

c. In the case of non-reappointment or denial of tenure or denial of promotion, the requirements to meet with the Department Chair and the Dean are waived.

d. If the matter cannot be resolved at the collegiate level, the faculty member has two options: a) he/she may petition the Provost to review the matter and render a decision regarding it; and b) if the faculty member so requests (or if the Provost, with the faculty member's consent, chooses to do so) the Provost shall refer the matter to the Grievance Board (composition given in the *Constitution*, Part VII, Article II, Section 8) for its recommendation prior to making the decision. If the Provost is named as a respondent in the petition, the Provost shall submit the petition directly to the Grievance Board. If the Grievance Board determines that the Provost is correctly named as a respondent, the Provost shall be recused from a decision making capacity in the grievance process. This petition must be in writing and must be received by the Provost within fifteen days of the faculty member's meeting with the dean regarding the matter, or within fifteen days of receipt of notification of non-reappointment, denial of tenure, or denial of promotion. The petition shall not exceed ten pages in length, excluding supporting documents, which may be submitted as an appendix to the petition.

In order for the Provost or the grievance board to determine if the matter is grievable under Grievance Procedure II, the grievance petition must state:

1. the specific individual(s) against whom the grievance is filed;
2. the dates upon which the alleged grievable matter occurred;
3. the specific provision(s) of this grievance procedure under which the petitioner believes the matter to be grievable;
4. a list of the supporting documents appended to the petition; and,
5. the specific relief sought by the petitioner.

The grievance board or the Provost shall determine to which of the person(s) named in the petition copies of the petitions or relevant portions thereof shall be sent. Respondents to the petition may file a response with the Provost or the grievance board. Any such responses must be filed within fifteen days of receiving the petition. This response is not to exceed ten pages excluding supporting documents which may be submitted as an appendix to the response.

e. If the matter is not to be considered by the grievance board, the Provost shall review the case and request any additional information from any person involved, as needed. If the Provost determines the matter to be grievable, the Provost shall render a final decision within thirty days of receipt of the petition. If the Provost determines the matter to be non-grievable, the Provost shall also notify all parties. The written decision will be transmitted to the petitioner and other parties concerned in the matter.

f. If the matter is to be referred to the grievance board, the board shall meet within fifteen days after receiving the petition if the petition is filed during one of the long semesters of the regular academic year, to determine whether the petition meets criteria set forth below delineating grievable and non-grievable complaints. If the petition is filed at any other time, the grievance board will meet within fifteen days after the beginning of the next long semester. If the Provost, or President if the Provost is recused, deems the matter of sufficient urgency, he/she may request that the grievance board meeting shall take place at a time outside the normal academic year. In this case those members of the grievance board who have nine-month appointments will be compensated at a rate equal to that of their normal salary for any day or fraction thereof. If the board finds the matter grievable, it shall set a date for review no later than thirty days after their receipt of the matter if this date is within one of the long semesters of the regular academic year. If this date is not within one of the long semesters, the hearing will be held within thirty days of the start of the next long semester. If the Provost, or President if the Provost is recused, deems the matter of sufficient urgency, he/she may request that the review shall take place at a time outside the normal academic year. In this case those members of the hearing panel who have nine month appointments will be

compensated at a rate equal to that of their normal salary for any day or fraction thereof. If the matter is determined non-grievable, the Board will promptly notify the petitioner, respondent(s), and Provost of its decision, and the matter shall be closed.

1. If the matter is found grievable, the grievance board shall convene a three-member hearing panel. This hearing panel shall conduct an expeditious, orderly, and equitable review of the matter, requesting additional information through the Provost as necessary. The panel shall allow all parties to present any facts or other information bearing on the matter. All written evidence submitted by all parties to the grievance hearing must be received by the chair of the hearing panel not less than 7 days prior to the date set for the hearing; any material received after that date may be allowed or excluded by the hearing panel at its discretion. These parties shall not meet with the Panel at the same time. Each party to the petition shall be permitted to have the assistance of an advisor of his/her choice in all proceedings at which the party is present. The role of the advisor, however, shall be solely to advise the party. The advisor shall not be permitted to participate in the proceedings in any other way.
 2. In the review process, the hearing panel is not asked to substitute its judgment for that of the faculty or administrator who made the decision at issue. The merits of the decision, per se, are not at issue. Rather, the issues are whether or not some unfair or improper influence so colored or affected the judgment of the faculty or administrator that the decision reached would have been different had no such improper or unfair influence existed. Thus, so long as the appropriate policies and procedures were followed the only issues are the existence of improper or unfair influences and the extent of their influence upon the decision involved. The complainant has the burden of proof in establishing that such influence existed and that its presence dictated the nature of the decision reached.
 3. Within fifteen days of the final hearing, the panel shall submit its findings and recommendations to the Provost along with appropriate documents and records. In the event the Provost has been recused from a decision making capacity, the findings and recommendations shall be submitted to the President. Simultaneously, a copy of the Panel's findings and recommendations shall be forwarded to the petitioner, and the respondent.
- g. Upon receipt of the hearing panel's recommendation, the Provost shall review the matter, requesting any persons involved to provide additional information as needed. The Provost shall render a decision no later than fifteen days after the receipt of the Panel's recommendation. The decision and findings of the Provost, including the rationale for the decision, together with the report of the hearing panel, shall be transmitted in writing to the faculty member, the hearing panel, and all named parties.
4. **Appeals.** Any party at interest may submit a written appeal of the Provost's decision to the President. The appeal must be submitted within seven days after receipt of the Provost's decision. At the same time that a party appeals to the President, a copy of the appeal must be sent to the University Counsel. Upon receipt of an appeal, the President will notify in writing the faculty member, the Provost, the respondent(s), and the hearing panel chair. The President shall review the grievance petition, the recommendations of the hearing panel, and the decision of the Provost. The President may seek additional information from any person involved in the case. If new relevant information comes to the President, he may remand the appeal to the Provost for reconsideration. The President shall render a final decision on behalf of the university within thirty days after receipt of the written appeal. Copies of the President's decision shall be sent to the Provost, the faculty member, the respondent(s), and the hearing panel.
 5. **Final Decision.** If no appeal is made to the President in accordance with the time limitation specified herein, the decision of the Provost shall be the final university decision.
 6. **Protection of the Faculty Members and Others Involved in Grievance Procedures.** All persons involved in grievance procedures, including the grievance board, shall be free of any or all restraint, interference, coercion, or reprisal on the part of associates or administrators in filing a grievance, in accompanying a faculty member filing a grievance, in appearing before the hearing panel or the Provost, or in seeking information in accordance with the procedures described herein. These principles apply with equal force after a grievance has been resolved. Should these principles be violated, the violations should be brought to the attention of the Provost, and subsequently (if necessary), to the President for appropriate remedial action.

PART VI.

FACULTY PARTICIPATION IN UNIVERSITY GOVERNANCE

A. General Statement

In accordance with the will of Thomas Green Clemson and the Act of Acceptance by the General Assembly of South Carolina, ultimate responsibility for the governance of Clemson University is vested in the Board of Trustees. The Board is charged with setting university policies so as to achieve the goals established by Mr. Clemson in his will and to serve the needs of the State of South Carolina. Thus, final authority and responsibility for all policy decisions rest with the Board.

In order to operate the university effectively, the Board delegates responsibility in various areas to the President, to certain administrative officials, and to the faculty. The President is the executive officer charged with administering the university in accordance with the policies adopted by the Board and with primary responsibility for leadership and planning for the institution. The President is charged with responsibility for academic, personnel, development, and fiscal and budgetary matters; with providing for and maintaining the physical facilities of the university; with representing the institution to its several publics; with the administrative implementation of the various policies of the university.

The faculty, as the repository of learning in the various academic fields of study, is charged with creating the curriculum; setting requirements for degrees; determining when requirements have been met; approving candidates for degrees. The faculty also has primary responsibility for such academic matters as evaluating the qualifications of current or prospective faculty members; initiating recommendations for faculty and academic administrative appointments; faculty reappointment, tenure, and promotion recommendations.

To carry out its role in the governance of the university, the faculty is formally organized through a constitution. The faculty senate, various university committees, and the several college, school, and departmental faculties and their committees facilitate the execution of the business of the faculty.

The faculty senate is the elected body that represents the faculty in its relationship with the administration, especially in regard to policy matters involving the academic prerogatives of the faculty and faculty welfare. To fulfill their academic governance responsibilities levels, the faculties of the several colleges, schools, and departments are formally organized according to bylaws. Indeed, the primary exercise of the academic prerogatives of the faculty takes place at the department level, where the specific professional expertise of a particular discipline can be brought to focus on academic matters, including questions regarding curriculum, appointment, tenure, and promotion.

Since the effective functioning of the university requires communication and cooperation between the faculty and the administration, a university council, commission, and committee structure has been established. This structure provides for faculty participation in planning, policy formulation, and decision-making in all areas that bear upon faculty concerns. The most comprehensive body within this structure is the academic council, with its subsidiary commissions and committees. As outlined below, the academic council includes representatives from various constituencies of the university (students, nonacademic administrators, as well as faculty and academic administrators). Additional committees exist outside the academic council structure and are organized here by administrative area.

1. Academic council

The academic council reviews and recommends academic policy to the Provost. Such matters may be routed to the President through the Provost by a majority vote. The council receives reports and recommendations from

committees and groups reporting to it. The academic council also reviews recommendations regarding university-wide academic policy that emanate from the office of the Provost, the faculty senate, the student senate, collegiate faculties, as well as from ad hoc committees appointed by the President or Provost. The academic council shall view its role primarily as an oversight body guiding and advising the university with regard to academic policy.

Membership consists of the following: The Provost (chair); two members from each college and from the library: the college and library deans; one faculty member from each college and the library elected for a staggered three-year term; two undergraduate students: the president of the student body and the president of the student senate; president of the graduate student government; president of the faculty senate and the senior vice provost and dean of undergraduate studies. Non-voting are: president-elect of the faculty senate; dean of student life; president of the classified staff senate; extension senate chair; graduate school dean.

2. Council on Undergraduate Studies

This council will consist of all faculty members, students, and administrators from each subcommittee listed below. The senior vice provost and dean of undergraduate studies will be a non-voting member serving as chair. The senior vice provost will convene the council each fall. All terms begin August 15 of the academic year. In the instance of a resignation from a subcommittee, the dean of that college appoints a replacement who serves until the next election for seating on August 15.

The council on undergraduate studies will recommend to the academic council all policy matters which originate with it, from the colleges, the faculty senate, the student senate, or from the various subcommittees that report to it which are:

a. Academic Advising Committee oversees coordination of university advising activities (including college academic advising centers, academic support center, colleges, etc.); informs advisors of current policies on advising; periodically reviews the mission of academic advising; coordinates assessments of the university advising system; and provides professional development for advisors.

Membership consists of the following: Two tenured or tenure-track faculty elected from each college for a two-year term on a staggered basis, one additional member with experience and interest in advising elected from each college for a two-year term, two at-large appointments made by the Provost, and one undergraduate student appointed by the president of the student senate. An ex officio, non-voting member is a representative of the office of undergraduate studies. The chair is elected by the membership.

b. Undergraduate Curriculum Committee is comprised of the senior vice provost and dean of undergraduate studies or some other member of the Provost's staff who serves as non-voting chairperson. Each college has two voting members, one of whom is chair of the collegiate curriculum committee, and the collegiate committee elects the second. The term of office is for three years in rotation. Non-voting members in addition to the chair include one elected library faculty, one undergraduate student appointed by the student body president, the registrar, the Calhoun honors college director, and other members of the senior vice provost's staff as needed. The committee's jurisdiction is set forth in the *Faculty Constitution*.

c. Admissions Committee formulates and recommends undergraduate admissions policies to the Council on Undergraduate Studies. It also serves as the appeals committee for undergraduate admissions.

Membership consists of five faculty members serving three-year terms elected one from each college, the chair of the faculty senate scholastic policies committee (or designee), and the chair of the student senate academic affairs committee. Non-voting members are the director of undergraduate admissions (chair), the director of undergraduate academic services, and the director of housing.

d. Continuing Enrollment Committee formulates and recommends undergraduate continuing enrollment appeals policies to the council on undergraduate studies. It is responsible for recommending policies relating to advising and retention. Only faculty members may serve as the review committee when considering undergraduate continuing enrollment appeals.

Membership consists of five elected faculty, one from each college, serving three-year terms, the chair of the faculty senate scholastic policies committee or designee, the student chair of the minority council, and an undergraduate student appointed by the student body president. The non-voting director of undergraduate academic services is the chair.

e. Calhoun Honors College Committee formulates and recommends policies and procedures for Calhoun honors college to the council on undergraduate studies. The faculty members on the committee serve as the curriculum committee for the honors program.

Membership consists of five faculty members, one from each college elected for a three-year term. Colleges shall elect from their ranks faculty with experience and interest in the Honors College as indicated by such activities as teaching honors courses, directing honors theses and research projects, and serving on honors committees at the department and college level. Other voting members are: one member of the Faculty Senate elected for a one-year term; two faculty members, each serving two-year terms and appointed by the director of the Honors College from the combined constituencies of the Dixon Senior Fellows, Calhoun Honors seminar instructors, and Bradbury Award recipients; one student member of the Dixon Fellows program elected by the other fellows; one student member of the Calhoun Society elected by the members of the Society; one honors student appointed by the director of the Honors College. All student members shall serve one-year terms. Non-voting members are the director, associate director, and assistant director of the Honors College, and one representative from the office of undergraduate admissions.

f. Scholarships and Awards Committee formulates and recommends policies and procedures relating to scholarships and awards to the council on undergraduate studies. It reviews the selection of recipients for university and collegiate undergraduate scholarships and grants -in-aid.

Membership consists of six elected faculty members, one from each college and the library, serving three-year terms, the chair of the faculty senate scholastic policies committee or designee, and one undergraduate student, appointed by the student body president. Non-voting members are the director of financial aid (chair), the director of Calhoun honors college, the dean of student life, the director of admissions, and the registrar.

g. Academic Integrity Committee hears appeals concerning possible academic dishonesty by undergraduate students. The committee's procedures and the penalties it may impose are set forth in the current *Undergraduate Announcements*.

The committee is composed of two tenured faculty elected from each college for a two year term, and ten undergraduate students, two from each college, nominated by the student body president and appointed by the Provost for two year terms. Terms for both faculty and students begin with fall semester late registration.

h. Academic Grievance Committee hears cases concerning possible discrimination in academics brought by an undergraduate student against a member of the faculty or a staff member of the university. The committee is also empowered to hear cases concerning grievances of a personal or professional nature involving an individual undergraduate student and a faculty member. A full description of the committee and its procedures are in the current *Undergraduate Announcements*.

The committee is composed of three faculty from each college appointed by the respective collegiate dean, twelve undergraduates nominated by the student body president, approved by the student senate, and appointed by the Provost, and the dean of student life or his/her designee. Faculty serve three year terms; students serve one year terms, all commencing with fall semester late registration. The senior vice-provost for undergraduate studies appoints the chair from among those faculty members who have previously served.

3. Council on Graduate Studies

The council provides oversight for policy and procedural implementation relating to graduate education by: receiving, stimulating, and originating proposals for the development of graduate education; reviewing, considering, and disseminating recommendations from its constituent committees; and approving and forwarding to the academic council those recommendations requiring specific action.

This council consists of the faculty, students, and administrators from each sub-committee listed below. The dean of the graduate school is a non-voting member and convenes the council each fall. The council elects its own chair. In case of a faculty resignation, the college dean appoints a replacement who serves until the next election.

a. Graduate Curriculum Committee. This committee shall be composed of the dean of the graduate school as non-voting chair, plus two representatives of the graduate curriculum committees of the several colleges, one of whom will be the chair of the college graduate committee and the other elected by the college graduate committee. Should a college have a single curriculum committee, the college committee will elect two representatives to this committee.

b. Graduate Admissions and Continuing Enrollment Appeals Committee. This committee deals primarily with graduate admissions and continuing enrollment appeals. Its recommendations on policy and reports on general statistics are submitted to the academic council.

Membership consists of the following: One faculty representative from each college elected by the collegiate faculty for three-year terms. The associate dean of the graduate school serves as non-voting chair.

c. Graduate Fellowships and Awards Committee

This committee formulates and recommends policies and procedures relating to graduate fellowships and awards. It oversees selection of the recipients for university-wide fellowships and the campus competition from departmental nominations for outstanding graduate teaching assistants as well as future award recognitions for graduate students.

Membership consists of the following: one faculty member representative from each college elected by the collegiate faculties for a staggered two-year term. Non-voting members are the director of financial aid or designee and an assistant/associate dean of the graduate school (chair).

d. Graduate Advisory Committee. This committee independently studies and reviews policy on non-curricular graduate student academic matters and on those issues affecting the general welfare of graduate students.

Membership consists of the following: one faculty member representative from each college elected by the collegiate faculties for three-year terms and two graduate students appointed by the president of graduate student government. The non-voting chair is the dean of the graduate school.

e. Graduate Student Academic Grievances Committee. This committee hears all grievances involving the following: (a) grievances of a personal nature involving an individual student and a faculty member; (b) the claim by a student that the final grade in a course was inequitably awarded; (c) cases where the grievance involves graduate student employment; and (d) graduate student academic dishonesty. In cases involving academic dishonesty, the Policy on Academic Misconduct shall be applied. In all unresolved cases, the committee makes its recommendations to the President through the Provost. All proceedings of the committee are confidential. Details as to definitions and procedures may be found in *Graduate School Announcements*.

Membership of this committee consists of the following: five faculty members involved in graduate education (one from each college elected by the collegiate faculty for three-year terms) and two graduate students appointed by the president of graduate student government; also one representative of the graduate school serving in a non-voting, advisory role. Each year the chair is elected from among the continuing faculty members. The term of appointment begins with each Fall registration.

D. Councils, Commissions, and Committees Reporting to the President

1. Administrative Council. The President, as chief executive officer of the university, is charged with administering the university in accordance with policies adopted by the Board of Trustees and with primary responsibility for leadership and planning. In order to carry out the charges of office effectively and efficiently, the

President may convene administrative leaders, including, but not limited to, those administrators who report directly to the President.

The administrative council meetings primarily serve as staff meetings between the President and those individuals reporting to him or her. The administrative council assists the President in planning for the university; reports information and action items to the President; provides advice or counsel to the President about activities in each area of the university; and demonstrates leadership in developing, implementing, and/or evaluating university policies.

2. Athletic Council. Institutional control of intercollegiate athletics rests with and is exercised by the President of the University. In this capacity the President is ultimately responsible for ensuring that Clemson's athletic policies and programs are in compliance with the rules and regulations of the National Collegiate Athletic Association and the Atlantic Coast Conference. Authority for the administration and management of intercollegiate athletic programs is exercised by the athletic director who is accountable to the President.

The principal function of the athletic council is to advise the Clemson University administration on all major decisions affecting the administration of the athletic department. The athletic council shall recommend policy on intercollegiate athletics to the athletic director and, when appropriate, to the President. Specific duties of the athletic council include:

- a. Monitoring the recruitment, scholastic eligibility, and academic progress of student athletes.
- b. Reviewing athletic schedules and ticket prices.
- c. Advising the university's faculty representative to the NCAA and ACC on matters of pending legislation.
- d. Evaluating athletic policies and programs to ensure their compatibility with the overall aims and mission of the university.
- e. Participation in the screening and selection of applicants for the position of athletic director.

The athletic council is composed of 24 voting members chosen or appointed as follows:

- a. Two elected faculty representatives from each college and one from the library. In addition, the colleges and the library shall each elect one alternate who shall have voting rights and shall serve on the athletic council in the absence of the elected representative. Faculty representatives serve staggered three-year terms. Consecutive terms are permitted.
- b. Three full-time enrolled members of the student body, one each appointed by the president of the student body, the president of the student senate, and the president of the graduate student government.
- c. Two full-time enrolled student athletes, one representing revenue-producing sports and one from Olympic (nonrevenue producing) sports, appointed by the athletic director.
- d. One representative of the Clemson alumni association appointed by the alumni national council.
- e. One member of IPTAY who may be the president of IPTAY or the president's designee.
- f. The president of the faculty senate or a member of the faculty senate nominated by the president of the senate and elected by the advisory committee of the faculty senate.
- g. Three at-large appointees of the President of the university; one of whom shall be from student affairs. Presidential appointees serve two-year terms, once renewable.
- h. One member of the classified staff senate appointed by the president of the staff senate.
- i. One representative (unclassified field staff) appointed by the extension senate.

Student members of the athletic council serve one-year terms consecutive up to two years. Except as described above, all other voting members of the athletic council serve one-year terms consecutive up to three years. The term of membership begins on May 16th of each year and ends on May 15th of the subsequent year.

Ex-officio non-voting members include the associate athletic director for compliance, the university's NCAA/ACC representative, the athletic director, one associate director of athletics designated by the athletic director, and the senior women's administrator for the athletic department.

At the biennial March meeting of the athletic council the voting members elect from the regular, full-time faculty members a chair and vice chair whose two-year terms commence at the first athletic council meeting after May 15th of that year. All regular, full-time faculty athletic council members are eligible for election to these offices regardless of the length of time remaining on their terms.

There are five standing committees of the athletic council:

1. Governance and Rules Compliance. This committee ensures that the mission of the athletics program supports the mission and goals of the institution, reviews matters of institutional policy and control, and monitors compliance with rules and regulations.
2. Academic Standards and Integrity. This committee considers issues related to admissions, academic standards, academic support services, and academic program scheduling.
3. Fiscal Integrity and Facility Planning. This committee is responsible for monitoring financial practices, overseeing fiscal and facility management and planning, and reviewing fiscal policies and procedures.
4. Equity, Welfare and Sportsmanship. This committee assures the fair and equitable treatment of women and other minorities, protects the physical and educational welfare of student athletes, and assures that all associated with athletics are committed to the fundamental values of sportsmanship and ethical conduct.
5. Campus and Community Relations. This committee monitors university community perceptions of athletic program issues and reviews and proposes athletic initiatives to improve campus and community relations.

For additional information about the Athletic Council, its Officers, and Committees refer to *Clemson University Athletic Council Policies and Procedures*.

2. President's Commission on the Status of Women. The commission was established at Clemson to improve the quality of life for women at Clemson. The commission's charge is to discern the status of women at Clemson University and document findings; discover and pursue the removal of institutional barriers; collect information and conduct research regarding issues that affect women, including the study of practices followed by commissions on women at other universities; and explore problem areas that limit equal opportunities and advancement. The commission publicizes the role of the university in improving the status of women at all levels. Membership of the commission consists of seven members of the faculty, six members of the classified staff, and other non-voting university faculty and staff as designated by the President. Members are appointed by the President for three-year staggered terms beginning in August from nominations of the faculty senate and the classified staff senate. The chair of the commission is appointed by the President for a three-year renewable term after consultation with the commission. The chair appoints a deputy chair for a one-year term.

3. Honorary Degree and Naming Committee. This committee consists of the Vice President for Academic Affairs and Provost (chair); the president of the faculty senate (secretary); the most recent past president of the faculty senate currently in the employ of Clemson University; the most senior (in years of service) alumni distinguished professor; and the most senior (in years of service) holder of an endowed chair/titled professorship. When functioning to select candidates for an honorary degree, the chair of the institutional advancement committee of the Board of Trustees and the chair of the Board of Trustees will be added.

When the committee functions to name candidates for an honorary degree, it evaluates a candidate's credentials and submits a recommendation for the awarding of an honorary degree to the President of the university. The President will forward a recommendation to the Board of Trustees for approval. When serving as a naming committee, this body recommends appropriate names for university lands and facilities to the university President for approval by the Board of Trustees.

4. The President's Cabinet. The President's cabinet advises the President on policy decisions affecting all areas of the university and serves as a communications forum between the President and the various administrative divisions of the university. Chaired by the President, the cabinet is composed of the vice presidents, the executive secretary to the Board of Trustees, the general counsel, the chief alumni and development officer; the chief financial officer, the chair of the President's commission on the status of women, the chief public affairs officer, the director of news services, the director of access and equity, the president of the classified staff senate, the president of the extension senate, the president of the faculty senate, the executive director of governmental affairs, the president of

the student body, the president of the graduate student government, the executive secretary of IPTAY, and others as designated by the President.

5. The Classified Staff Senate studies, formulates, and recommends general policies and procedures to the President's cabinet concerning the staff employees of the university, including job skill development, compensation, benefits, and welfare. The distribution of elected members among vice presidential areas is based upon an approximate 2:100 ratio of classified employees within each area. For a precise breakdown of membership representation, see *Clemson University Classified Staff Senate Bylaws*. Elections are held annually and elected members serve three-year terms. The Director of Human Resources serves as a non-voting member. Its subcommittees are:

- a. Executive Committee. The Executive Committee consists of the president, vice president, immediate past president, the chairs of the standing committees, secretary, treasurer, parliamentarian, and the ex-officio members. This committee proposes the annual agenda and refers items to the appropriate committees.
- b. Policy and Welfare Committee. This committee studies classified staff concerns and formulates and recommends university-wide policies and procedures related to classified staff employees. The committee also considers development of job and supervisory skills, compensation, benefits, and other items pertaining to the welfare of the classified staff employees.
- c. Communications Committee. This committee provides a forum for the communication of questions, informed answers, and ideas. The committee publishes the classified staff senate newsletter as a systematic means of communicating existing university policy, specific actions and feedback concerning all matters considered by the Commission. The committee is responsible for the CSC booth at the annual benefits fair. The booth promotes classified staff activities, achievements, and goals.
- d. Scholarship Committee. This committee is responsible for raising funds for the annual scholarships that will provide access to the educational experience at Clemson University for dependent children of classified staff. This committee also coordinates an annual golf tournament and other fundraising drives.
- e. Membership Committee. This committee reviews representation, conducts annual elections, and coordinates orientation and annual awards luncheon.
- f. Activities Committee. This committee serves as a support arm to the other Standing Committees, providing logistical assistance for special events.

6. President's Commission on the Status of Black Faculty and Staff. The purpose of the commission is to advise the President and the administrative council with specific recommendations to enhance the quality of life for all black faculty and staff. The Commission consists of six members of the faculty, six members of the classified staff, and other university faculty and staff (non-voting members) as designated by the President. Members are appointed by the President to serve staggered three-year terms. The Chair is appointed by the President for a two-year term.

7. Parking Review Board. The Board consists of forty-three members drawn from faculty, staff, and students (with alternates from each of the constituent bodies) who in subcommittee panels of five members (one Faculty/Librarian and one Staff member, two undergraduate students, and one graduate student) constitute the campus administrative review body for appealed parking violations.

The membership will be selected in the following manner: each college will elect two faculty members for a three-year rotating term with the faculty senate selecting an alternate; the library will elect one member and an alternate; eight classified staff plus three alternates on a three-year rotating term basis will be selected by the president of the classified staff senate; the attorney general of the student body will select sixteen undergraduate students and six alternates; and the president of graduate student government will select eight graduate students plus three alternates for one-year terms.

E. Committees Reporting to the Vice-President for Academic Affairs and Provost

1. Computer Advisory Committee. This committee reviews and advises on policies for the Division of Computing and Information Technology. Voting membership consists of one faculty member serving a three-year term elected from each of the colleges and the library; a representative from the faculty senate elected annually; and a graduate student appointed by the president of graduate student government. Non-voting membership includes the

vice provost for computing and information technology (chair) and a staff member from each of the following offices: student affairs, development, and finance.

2. Libraries Advisory Committee. This committee reviews and advises on policies for the university libraries. Membership consists of the dean of the library as the committee's non-voting chair; one faculty representative serving a three year term elected from each college and the library; a representative of the faculty senate elected annually; a representative of the classified staff senate appointed annually by the president of the Senate; an undergraduate student appointed by the president of the student senate; and a graduate student appointed by the president of the graduate student government.

3. University Assessment Committee. This committee provides leadership and assistance in developing and overseeing a program of evaluation and feedback to enhance the effectiveness of the university. The committee develops and recommends university-wide assessment policies, assists in developing assessment procedures that meet accepted standards for data collection and analysis, reviews assessment procedures for consistency with goals and objectives, reviews results of assessment activities and recommends improvements, reviews the progress of the university in implementing assessment activities, reviews all assessment reports and coordinates the preparation of annual reports for the State Commission on Higher Education, strives to ensure that assessment information is not misused, and monitors the effects of assessment to ensure that assessment results are used in subsequent planning activities.

Members of the Assessment Committee with three-year terms include: two representatives from each college and one from the library appointed by the respective deans, two representatives from different areas of administration and advancement appointed by the vice president for administration and advancement, one representative appointed by the dean of undergraduate studies, and two representatives from student affairs appointed by the vice president of student affairs; one representative appointed by each of the following: the athletic director, the dean of the graduate school, the vice president for public service and agriculture, and the vice president for research. Two undergraduate students are appointed by the vice president for student affairs for two-year terms. A representative of the faculty senate, one college dean appointed by the council of academic deans, and one graduate student appointed by the dean of the graduate school serve one-year terms. The directors of assessment and of planning are ex-officio, nonvoting members. The head of institutional research and other nonvoting members, recommended by the committee and appointed by the Provost for one-year terms, serve as resource persons for the committee. The committee elects its own chair for a one-year term from among the faculty and administrative representatives. The vice-chair is elected annually by the committee and will succeed the chair the following year. The chair remains as a member of the committee for the year following his or her tenure as chair. The three members, chair, vice-chair and former chair, do not count against allocations from the colleges.

4. Innovation Fund Awards Committee. This committee administers the Clemson University innovation fund, which provides a source of funding for unique ideas that do not have an alternative university funding source; provides an incentive for innovative initiatives and programs that have a mutual benefit to the university; and promotes the application of skills, techniques, and knowledge of two or more disciplines toward a common goal or goals. Priority is given to proposals that support initiatives that enhance or improve undergraduate education. The fund is not intended to support proposals for which other university funding sources exist.

Members of the committee are the vice president for academic affairs and Provost; the vice president for public service and agriculture; the chair of the assessment committee; an endowed chair; and an alumni master teacher. The Provost appoints the alumni master teacher and the endowed chair. The Provost chairs the committee. Proposals are given priority based on uniqueness, need, and overall benefit to the university. The committee reviews and evaluates the merits of proposals received. Information concerning the preparation of proposals can be obtained from the Provost's office.

F. Committees Reporting to the Chief Research Officer

1. Research Council. The research council provides advice and representation on issues affecting the university's research efforts. The research council will provide the chief research officer direct faculty input on future policy and procedural matters to enhance the quality of scholarly endeavors and the growth of research

programs under his/her direction. The research council will be expected to transcend unit and college lines, to promote shared values, and to represent a cohesive point of view to the chief research officer.

The council membership will consist of the following: one faculty member elected from each college and the library for a three-year term; one faculty member appointed from each college by the chief research officer in consultation with the collegiate dean; the current chair of the faculty senate research committee (or designee); and the chairs of each of the subcommittees listed below.

The chief research officer shall convene the membership for the purpose of electing a chair. The council will meet at least three times each academic year. A special meeting can be called by the chair, by the chief research officer, or by request of a third of the council members in order to manage the council's business.

This Council is assisted by the following subcommittees whose chair reports through it.

a. Animal Research Committee. This committee consists of the university veterinarian; the university animal facilities administrator; a faculty member from each college having animal facilities; a wildlife specialist; and a resident of a local community who is not an employee of the university. Committee appointments are made for three-year terms by the chief research officer for indefinite terms. The committee elects the chair. The committee is the principal university advisory group on the humane care and use of animals. It maintains oversight of the university animal programs, facilities, and procedures and reviews the care and use of all animals included in the university policy.

b. Institutional Biosafety Committee. This committee consists of the director of environmental health and safety, the associate vice-president for research compliance, two faculty with expertise relevant to recombinant DNA (rDNA) technology, two faculty with expertise in chemical and/or biological hazards, two residents of the community who are not employed by the university, and when possible, one non-doctoral laboratory technician. Other university faculty or staff with expertise in the health professions or animal, plant or plant pathogen/pest containment may be asked to serve on the committee when necessary. The associate vice president for research is a non-voting member of the committee. The chair and all members of the committee are appointed to three year terms by the President in consultation with the vice president for research. This committee reviews and approves rDNA, chemical, and biological hazardous activities conducted at or sponsored by the university. The committee also assesses and approves the facilities, procedures, practices, and the training and expertise of personnel engaged in rDNA, chemical, and biological hazards research and teaching.

c. Human Subjects Committee. This committee consists of the associate vice president for research compliance (chair); one faculty member from each college having a significant number of activities involving human subjects; a medical doctor nominated by the vice president for student affairs; and a resident of the local community who is not an employee of the university. All members are appointed by the chief research officer to serve three-year terms. This committee, functioning as the institutional review board, approves all activities of the university that involve human subjects and ensures that the rights and welfare of subjects are adequately protected, that the risks to subjects are outweighed by potential benefits, and that the informed consent of subjects is obtained by methods that are adequate and appropriate.

d. Intellectual Property Committee. This committee consists of a chair appointed by the chief research officer; the senior contract advisor who acts as secretary; the general counsel or his/her designee; a representative from administration and advancement; an associate dean from each college; one graduate student representing the graduate student government, for a one-year term; one undergraduate student nominated by the dean of student affairs for a one-year term; a faculty representative elected from each college; and the person from Cooper Library identified as patent coordinator serving in an ex officio, non-voting capacity. This committee recommends intellectual property policy to the chief research officer; approves or disapproves patent and other intellectual property proposals submitted in accordance with patent policies of the university; and makes recommendations to the chief research officer.

e. Research Grants Committee. This committee consists of two faculty representatives elected for three-year terms by the faculty of each college plus one member elected for a three-year term from the library. The chair is elected annually by the committee. This committee receives applications from faculty members in all departments

of the university for grants in support of research. Eligible are those with tenure, tenure-track, or emeritus faculty status. Only one submission per person is allowed. Faculty who have received a URGC grant within the previous two years are not eligible. The committee makes grants to new faculty members initiating research and to faculty members initiating research in a new area or in areas where other sources of support are inadequate or nonexistent. Priority is given to new faculty (5 years or less at Clemson). Grant applications may be obtained from the Office of Sponsored Programs. Applications are solicited annually through announcements on *World Wide Web*.

G. Organizations Reporting to the Vice President for Student Affairs

1. Alcohol and Other Drugs Task Force. This committee is made up of representatives of designated departments within the university as well as from the local community. The vice president for student affairs appoints members to represent the following areas: university union, university housing, counseling and psychological services, health services/medical services, health services/health education, public safety, peer health educators, athletics, county, student government, public affairs/publications, Clemson city police, fraternities and sororities, campus ministry, the graduate student government, and other individuals as appropriate. Two faculty members are appointed by the faculty senate. The chair is elected annually by the committee.
2. Greek Affairs Committee. This committee studies and recommends all policy on fraternities and sororities to the vice president for student affairs. The committee consists of the advisor for greek affairs; the President of the panhellenic council; the president of the interfraternity council; the president of the pan-greek council; the associate director of residential life; two faculty members elected by the faculty senate to two-year terms; and one independent student nominated by the student body president. The chair is designated by the vice president for student affairs.
3. Media Advisory Board. The duties of the Media Advisory Board include advising the joint media advisor on any matter concerning the operation of the media, hearing complaints and suggestions from any person concerning any media organization or the media in general, and accepting or rejecting the annual budget proposal as presented by the joint media advisor. The board consists of the joint media advisor (chair), an administrator appointed by the vice president for student affairs, one member of the faculty elected by the faculty senate, one nonfaculty employee from public affairs, two members of the student senate elected by the student senate to serve one-year terms, two students-at-large selected by the president of the student body to serve one-year terms, the editors of *TAPS*, *The Tiger*, *Chronicle*, and *Reveille*, the program director of WSBF, and the president of clemson cable network (CCN).
4. Recreation Advisory Committee. This committee studies, formulates, and recommends all policy relating to physical recreation facilities and programs to the vice president for student affairs. The committee's membership consists of two undergraduate students selected by the president of the student senate; a graduate student representative; three faculty members (one from the department of parks, recreation and tourism management) elected by the faculty senate for three-year terms; one staff member each from the offices of business and finance, student affairs, and institutional advancement (each selected by the appropriate vice president or director); the director of the union and student activities (nonvoting); the director of campus recreation (nonvoting); the director of tennis; and a member of the classified staff senate. The chair is elected annually by the committee.
5. Student Health Committee. This committee formulates and recommends policy on food services, health service, counseling/career planning, and student insurance to the vice president for student affairs. Members are the director of health services; the director of counseling and psychological services; the director of campus services; the associate director of residential life; the chair of the student senate food and health committee and one member of that committee nominated by the chair; one undergraduate student nominated by the student body president; one undergraduate student appointed by the vice president for student affairs; one graduate student representative; and one faculty member elected by the faculty senate to a two-year term. The chair is designated by the vice president for student affairs.
6. University Union Advisory Council. The purpose of the union advisory council is to broaden student and university community representation and input on all matters relating to all aspects of the union's operations, programs, and services. It is through this broadened representation and sharing of ideas the union hopes to better

serve and meet the social, cultural, recreational, and personal developments needs of the campus community. The council will meet at least one time each semester or as called by the chair of the council.

The membership of the council consists of the following as continuing, non-voting members: director of university union and student activities, director of student activities and organizations, and director of union programs and major events. Continuing voting members are chief facilities officer, director, office of multicultural affairs, UPAC president, and tiger paw productions chair. Voting members elected for two-year terms: the CUPD representative and faculty senate representative. A voting member for a two year term is a classified staff member appointed by the president of the classified staff senate. Voting members elected for one-year terms: IFC/panhellenic/NPHC (alternating), RHA representative, SGA representative/vice president student body, graduate student government representative, central spirit representative, and international student representative. Voting members appointed for one-year terms: a student employee of the university union (appointed by director of union programs and major events) and a media representative (appointed by the chair of the media advisory board). The chair of the council will be elected from the voting membership by the voting membership.

7. Parking Advisory Committee. This committee shall serve as an advisory body, providing advice to the dean of municipal and health services with reference to campus parking issues including policies, enforcement, fees, zone designation, maintenance, and construction of parking facilities. committee membership shall consist of: two faculty members appointed by the faculty senate (note 1); one staff member appointed by the classified staff senate president (note 2); one student member appointed by the student government (note 2); one student member appointed by the graduate student government (note 2); a police department representative; an athletic department representative; a housing office representative; the campus master planner; and the director of parking services (serves ex-officio, non-voting). Additionally, resource persons may be requested to attend from campus areas including but not limited to: campus events office, director of the parking review board, facilities maintenance and operations, and performing arts.

Note 1: members serve two-year staggered terms from May through April with one member appointed each year. The initial appointment shall include one member for one year and one member for two years.

Note 2: members serve one-year terms from May through April.

The committee shall elect a chair to serve for twelve months, or other period of time as agreed upon by a majority of the committee. The chair shall be responsible for convening the committee and forwarding meeting agendas to the recorder for duplication and dissemination. A staff member of parking services department shall serve as recorder for the meetings. The recorder shall duplicate and disseminate meeting agendas provided by the chair, prepare minutes of the committee meetings (including advisory statements of the committee) and forward them to committee members and the dean of municipal and health services. The chair shall convene the committee monthly when items appropriate for discussion have been placed on the agenda.

8. Student Advisory Board. This group consists of eighteen students ranging from freshmen to graduate students reflecting the diversity of the student body at Clemson University. This group is responsible for communicating thoughts/ideas/suggestions on ways of improving student life at Clemson to the student affairs administration. Issues include health service operations, security issues, bookstore services, career services, parking and shuttle services, computer services, etc. This group meets on a monthly basis and is chaired by the student affairs director of management services.

H. Committees, Boards, and Units Reporting to the Chief Business Officer

1. Accident Review Board. This board consists of the director of risk management (chair) from administration and advancement; representatives from research services; student affairs; agriculture, forestry and life sciences; faculty senate; classified staff senate; student government; campus services; public safety; and transportation services. In accordance with state guidelines, the board reviews accidents that involve vehicles belonging to the university. The board also makes recommendations to the appropriate agencies or departments for improving safety.

2. Advisory Committee of Budget Center Representatives. This committee reviews and revises policies concerning the university budget planning process. Members include representatives from the major budget centers including the academic colleges, the library, PSA, research, the Provost's office, and the Faculty Senate and the Classified Staff Senate. The chief business officer serves as chair.
3. Bookstore Advisory Committee. This committee reviews and advises on policies for the university bookstore. Membership consists of the manager of the bookstore (nonvoting); two faculty representatives elected from each college and one elected from the library; and annually from each of the following: a representative of the faculty senate; an undergraduate student representative; a graduate student representative; a representative from the classified staff; and the director of campus services (nonvoting). The chair is elected annually from the committee membership.
4. University Facilities Advisory Committee (UFAC). This committee provides oversight of the planning and assessment process used by the facilities department. UFAC assists that department by identifying, establishing, and evaluating priorities for infrastructure investments and ensuring that alterations of campus buildings comply with institutional policies and pertinent codes. Assessment priorities for the committee include preventative maintenance, maintenance repair and renovation, facility condition and benchmarking. Assessment reports will be delivered to the chief business officer and the Administrative Council by November 30th of each year. The committee will meet at least quarterly and will consist of representatives from each college and the library, the Provost's office, and from major auxiliary departments. The chief facilities officer serves as chair.
5. Vending Machine Committee. The committee reviews requests from university departments or organizations for the funding of special activities from the vending machine fund. This committee consists of the budget director as chair; the Provost; the vice president for student affairs; the president of the faculty senate; the president of the graduate student government; the president of the student body; the president of the classified staff senate; and the director of fiscal affairs - or their designees.
6. Office of Human Resources.

I. Other University Organizations

1. Organization of Academic Department Chairs. This group serves as a forum for communication between the academic department chairs and others at the university, such as the faculty senate, the academic council, and the university administration. This organization also provides advice on academic and administrative matters. An executive committee composed of a member from each college represents the group between meetings of the membership.

Ad Hoc Committee Philosophy.

Ad Hoc Committees may be convened by appropriate university officials or organizations to carry out a SPECIFIC charge. Ad Hoc Committees MUST have a definite date by which time their work is completed and the committee disbanded.

(FOR READY REFERENCE, INSERT A COPY OF YOUR DEPARTMENTAL AND COLLEGIATE BYLAWS AT THIS POINT)

Part VII.

The Constitution of the Faculty of Clemson University

The faculty of Clemson University was first formally organized in 1956, with separate constitutions and bylaws for the academic faculty and for the research faculty. In 1970 these two bodies were unified under a single constitution and bylaws of the Clemson University Faculty, with the faculty senate as the sole representative assembly of the faculty. A second major revision, approved by the Clemson University faculty on December 11, 1981, and by the Clemson University Board of Trustees on January 22, 1982, incorporated the collegiate faculties and the university curriculum committees into the formal faculty organization. As part of this thorough revision, a unitary *Constitution* format was adopted in place of the previous constitution and bylaws structure.

THE CONSTITUTION OF THE FACULTY OF CLEMSON UNIVERSITY PREAMBLE

To fulfill its role of preserving, interpreting, and advancing knowledge, a university depends upon the scholarship and professionalism of its faculty. It is by virtue of that scholarship and professionalism that university faculties are entrusted with major responsibilities with respect to academic issues and concerns. In recognition of these principles, Clemson University makes provision for faculty participation in planning, policy-making, and decision-making with regard to academic matters. The university also provides for such participation in matters of faculty welfare and general university concern.

To facilitate such participation the faculty is formally organized in accordance with this *Constitution* as approved by the Clemson University Board of Trustees. Various faculty functions are assigned to an elected assembly, the faculty senate; to the Undergraduate and Graduate Curriculum Committees; and to the collegiate faculties and their respective departmental faculties. For the purposes of this *Constitution*, the term "department" shall designate a discipline-specific, self-governing unit within a school or college. In addition, the faculty is represented on various university councils, commissions, and committees which act in concert with the university administration in developing university policies and procedures.

ARTICLE I: THE FACULTY

Section 1. Membership

The Faculty of Clemson University consists of the President; Vice President for Academic Affairs and Provost; other administrators with faculty rank; faculty with regular appointments as Professor, Associate Professor, Assistant Professor, or Instructor; Librarians; Emeritus Faculty; and such other individuals as the faculty may duly elect. A petition for the election to membership in the faculty of any person who is not automatically a member must be submitted to the faculty senate and referred by that body, with its recommendation, to the faculty for action at the next regular meeting of the faculty. Election to membership shall be by simple majority vote of the members present.

Section 2. Functions

The functions of the faculty shall be to approve candidates for degrees; to fulfill its responsibilities in academic matters such as curriculum, requirements for earned degrees, academic regulations, admissions, and registration; through departmental and collegiate review processes to recommend the appointment, tenure, and promotion of its prospective and current members; to participate in the selection and evaluation of academic administrators as provided for in established university policies; to participate in formulating policies affecting the teaching, research, and public service functions of the university; and to consider any matters that may affect the welfare of its members.

On matters pertaining specifically to the individual colleges, these functions are exercised by the collegiate faculties, with review at the university level as specified by established university policies. Similarly, the collegiate faculties recognize the primary authority of the faculty of each academic department on academic matters pertaining to that department. The faculty may refer to the faculty senate for investigation and action matters that relate to the welfare of the faculty, as well as to the teaching, research, and public service policies of the university, and other matters of general institutional concern. The Undergraduate and Graduate Curriculum Committees act for the faculty in reviewing curricular proposals emanating from the several collegiate faculties, and recommend their disposition to the Vice President for Academic Affairs and Provost.

The faculty shall receive regular reports from the faculty senate, and may act upon any matters brought before it by the faculty senate or by individual faculty members.

Section 3. Officers

The Vice President for Academic Affairs and Provost shall be the chair of the Faculty. The Provost shall appoint a secretary and, when necessary, shall appoint an acting chair to serve in his or her absence.

Section 4. Meetings

Regular meetings of the faculty shall be held at the beginning of the academic year and at the end of each long semester. Special meetings of the faculty may be called by the Chairperson, by the faculty senate, or by written petition of at least ten percent of the faculty. A notice of the meeting and the agenda shall be distributed to the faculty at least five days in advance of the meeting.

The quorum for any meeting of the Faculty shall be that number of members deemed necessary by the chair to transact business other than the amendment of this *Constitution*.

For any meeting of the Faculty, the following order of business shall be adhered to:

- 1) Call to Order;
- 2) Reports;
- 3) Unfinished business;
- 4) New business;
- 5) Adjournment.

The Minutes of each faculty meeting shall be approved by the faculty senate.

Section 5. Rules of Order

The Faculty shall conduct all parliamentary procedure in accordance with the most recent edition of *Robert's Rules of Order*.

ARTICLE II: THE FACULTY SENATE

Section 1. Functions

The faculty senate is the representative assembly of the faculty. It represents the faculty of Clemson University in its relationship with the university administration; recommends new policies or changes in existing policies to the Provost and Vice President for Academic Affairs; and promotes the welfare of the faculty and of its individual members. Specifically, the faculty senate acts:

- 1) to review and recommend academic policies, procedures, and practices at the university level;
- 2) to preserve collective and individual faculty prerogatives as they are set forth in established university policies and procedures;
- 3) to make recommendations on matters affecting faculty welfare;
- 4) to provide good offices for the redress of faculty grievances;
- 5) to articulate and promulgate faculty positions on issues of general concern within the university;
- 6) to maintain liaison with the faculties of other colleges and universities on matters of common concern.

The President of the faculty senate shall report annually at the meeting of the faculty held prior to Spring Commencement. To keep the faculty adequately informed, special reports shall be made as necessary.

Section 2. Membership

Members of the faculty senate shall be elected by the faculty, voting by colleges in accordance with policies and procedures set forth in the bylaws of the several collegiate faculties. These bylaws may also establish provisions for the recall of the colleges' Faculty Senators, with the exception of those holding elected Senate office. Senate terms shall be three years except as otherwise provided. For the allocation of Senate seats and all other provisions of this article, the librarians shall be considered as a faculty representing a college.

Any member of the Faculty may be eligible for membership on the faculty senate, except department chairs, school directors, deans, the provost, vice provosts, vice presidents, the president, and others with primarily administrative duties.

Elections shall be held in March of each year, with terms of office to begin with the April meeting of the Senate. The election of members of the faculty senate shall be by secret ballot.

When a new college is officially established it shall be entitled to representation in the faculty senate as soon as an election can be held. A new college shall have one member in the faculty senate until the next allocation of seats. Whenever a new college is established, the next allocation of seats shall be obtained in the February following official establishment.

Vacancies created on the faculty senate for any cause shall be filled for the unexpired terms by supplementary elections within the colleges concerned as soon as such vacancies occur. Senators absent for the summer or for other temporary leaves such as sabbaticals, or appointed to temporary or interim administrative positions, shall request leaves of absence from the Senate and shall be replaced during their absences by substitutes elected by the Collegiate Faculty.

Each college, except the Library, shall elect two alternates on a yearly basis; the Library shall elect one. Alternates may twice succeed themselves. An alternate shall have the status of a full member at any Senate meeting attended in place of a regular member.

With the exception of those Senators who have served one year or less, members of the faculty senate may not succeed themselves.

As a rule, there shall be thirty-five members of the faculty senate. Emeritus faculty are excluded from the Faculty count for the purpose of Senate seat allocation. Senate seats shall be allocated according to the ratio of the number of members of the Faculty in a college to the total number of members of the Faculty in the university. Each college shall have as many seats as are in the nearest whole number when its ratio is multiplied by thirty-five, provided each college has at least one representative. For the purposes of this calculation, the Library is considered a college.

If the total number of seats allocated thus far is less than thirty-five, the remaining seats are allocated to the colleges with the larger fractions until there is a total of thirty-five members. If this formula produces an exact tie for a seat, each college involved shall be awarded a seat.

The President of the faculty senate shall obtain a new allocation from the Chairperson of the Faculty during February of every odd-numbered year after the most recent allocation. This allocation shall be given to the dean of each college in time for the March election and shall control the numbers elected to the faculty senate at that time. If one or more members are gained, the collegiate faculty may designate new seats to have terms of less than three years in order to balance the terms within the college delegation. If one member is lost in the new allocation, one fewer member shall be elected to the faculty senate at that election. If the new allocation results in the loss of one or more members whose terms have not expired, the membership of the Senate shall be temporarily enlarged to

accommodate the new allocation. New allocations shall be based on the number of members of the Faculty at the beginning of the fall semester.

Section 3. Officers

The officers of the faculty senate shall be the President, the Vice President, who shall be the President-Elect, and the Secretary. The Vice President and the Secretary shall be elected at the regular meeting in March of each year. The term of a Senator shall be extended one time, if necessary, to permit him or her to initiate or complete his or her service as an officer. Should such an extension of term be necessary, his or her successor will serve a three-year term which will commence at the completion of the officer's term. The advisory committee shall submit to the Senate no less than two nominees for each elective office. Election of officers shall be by secret ballot, with a simple majority required for election.

In order to recall an officer of the faculty senate, a petition signed by not less than two-thirds of the elected members of the Senate shall be required. If an office is vacated by recall, resignation, or other cause, the faculty senate shall elect at the next regular meeting a successor for the unexpired term.

The retiring officers shall serve at the April meeting through the completion of Unfinished Business. The retiring president shall give the Senate report at the subsequent meeting of the Faculty.

Section 4. Meetings

The date and time of the regular monthly meetings of the faculty senate shall be determined by the advisory committee. The schedule of the meetings for the year shall be announced not later than the first day of May through appropriate communications. With the approval of a majority of the advisory committee, special meetings of the faculty senate may be called at any time by the President of the faculty senate.

Except for executive sessions, all meetings of the faculty senate shall be open to any member of the faculty. Any member of the faculty may present any problem or suggestion to the Senate for the Senate's consideration, provided the faculty member notifies the President of the faculty senate at least one week prior to the Senate meeting. Visitors may be invited by a member of the advisory committee to participate in any specific discussion.

Two-thirds of the membership of the faculty senate shall be the quorum for the transaction of all business.

Section 5. Committees

The chairperson and at least a majority of the members of all committees of the faculty senate shall be members of that body, and any other members shall be members of the faculty. The basic functions of such committees shall be to consider matters pertaining to faculty concerns and to make recommendations to the Senate. Committees may act on their own initiatives or on instruction from the Senate or its presiding officer. The committees, through the faculty senate, may be requested by the faculty, Vice President for Academic Affairs and Provost, or the President to consider and report on any matter of faculty concern.

The standing committees of the faculty senate shall be as follows:

The Executive Committee: shall consist of the Officers of the faculty senate and the chairpersons of the standing committees and the Finance Committee. The President of the faculty senate shall be chairperson of this committee.

The Advisory Committee: shall be composed of the officers of the faculty senate, a Senator from the library, two members from each college elected by the delegation of that college prior to the April meeting, and also the Immediate Past President of the faculty senate and the Faculty Representative to the Board of Trustees (both of whom shall serve in a non-voting capacity and be excluded from serving on grievance hearings). The President of the faculty senate shall be the Chairperson of this committee. It shall be the function of this committee to advise the President of the faculty senate and to serve as the nominating committee for the faculty senate. In no case shall nominations by the advisory committee preclude nominations from the Senate floor. The advisory committee shall appoint the members of the other standing committees and any special committees and shall designate the

chairpersons thereof. The chairpersons of the standing committees shall as a rule be from different colleges. The advisory committee also hears grievances brought under Faculty Grievance Procedure I.

The Welfare Committee: shall make recommendations concerning such policies as relate to: work loads; extra-curricular assignments; summer employment; non-university employment; salaries; leaves of absence; sabbatical leaves; professional travel; retirement; and such other policies as affect faculty welfare and morale.

The Scholastic Policies Committee: shall be concerned with all policies of an academic nature which pertain to students. Such policies include recruitment; admissions; transfer credit; class standing requirements; academic honors policies; graduation requirements; class attendance regulations; student counseling and placement; and other related policies.

The Research Committee: shall study and make recommendation on policies, procedures, and practices primarily related to research.

The Policy Committee: shall concern itself with general university policies, particularly as they relate to the Faculty. Such policies include those which pertain to: academic freedom and responsibility; faculty professional ethics; the appointment, tenure, and promotion of faculty; and faculty participation in university governance. Other matters of particular faculty interest, which are not within the purview of the other standing committees and which are not of such a specialized nature as to justify ad hoc committees, would normally be referred to the Policy Committee.

Section 6. Rules of Order

The faculty senate shall conduct all parliamentary procedures in accordance with the most recent edition of *Robert's Rules of Order*. A parliamentarian shall be appointed by the President of the faculty senate. The faculty senate shall be empowered to develop those procedural bylaws which facilitate the achievement of its purposes.

Section 7. Permanent Committees

Permanent committees, in addition to the standing committees provided for in the Constitution, may be created for purposes which extend beyond those normally associated with ad hoc committees. The permanent committees of the faculty senate and their duties are:

The Finance Committee: investigates and reports to the faculty senate relevant financial matters of the university.

Section 8. Boards

The Grievance Board. The Grievance Board shall consist of members elected by the members of the faculty senate from a pool of nominees named by the Executive and advisory committees in a joint meeting, and from nominations made from the floor at the Senate election meeting. Members of the Grievance Board must be tenured Professors or Associate Professors, and shall be members, alternates, or former members of the faculty senate. These Grievance Board members shall consist of a representative from the Library and two representatives from each college and their term of service shall be for two years. The Senate shall hold an election each January to replace no more than four (4) Grievance Board members, and to permanently fill positions left vacant during the year and filled by temporary appointment by the advisory committee. The advisory committee shall appoint the Chair of the Grievance Board. The Board, through three-member Hearing Panels, hears grievances brought to it in accordance with Faculty Grievance Procedure II.

ARTICLE III: THE COLLEGIATE FACULTIES

Section 1. Definition

The faculty members of each college within the university are organized as Collegiate Faculties according to individual college bylaws approved by the Vice President for Academic Affairs and Provost.

Section 2. Functions

Each collegiate faculty exercises the authority and responsibility of the faculty on academic matters pertaining to the individual college, subject to the primary authority of the several departmental faculties on academic matters pertaining to the respective departments. Specifically, a collegiate faculty approves candidates for all graduate and undergraduate degrees, and recommends all proposals for new or revised academic requirements, courses, and curricula within the college. Where provided by college bylaws, collegiate peer review processes offer recommendations on appointment, re-appointment, tenure, and/or promotion in addition to the primary recommendations which emanate from the review processes of the several academic departments.

ARTICLE IV: THE CURRICULUM COMMITTEES

Section 1. Definition

The university Curriculum Committees act for the faculty in reviewing all proposals for curricular changes, and recommend such changes to the Vice President for Academic Affairs and Provost. The Undergraduate and Graduate Curriculum Committees shall have jurisdiction over undergraduate and graduate matters respectively.

Section 2. Membership

The Undergraduate Curriculum Committee shall be comprised of a Senior Vice Provost or other member of the Provost's staff designated by the Provost as non-voting Chairperson, plus two representatives of the undergraduate curriculum committees of the several colleges, one of whom will be the chair of the college committee and the other elected by the college committee. Similarly, the Graduate Curriculum Committee shall likewise be composed of a non-voting Chairperson from the Provost's staff, plus representatives of the graduate curriculum committees of the several colleges, one of whom will be the chair of the college committee and the other elected by the college committee. Should a college have a single curriculum committee, the chairperson and one other representative elected by the college committee shall serve on the University Undergraduate Curriculum Committee and the college committee shall elect two representatives to the University Graduate Curriculum Committee.

Section 3. Procedure

The curriculum committees shall review all curricular proposals in their respective areas of jurisdiction that emanate from the several collegiate faculties, and shall ensure the adherence of such proposals to all applicable university policies and regulations. The curriculum committees may initiate curricular proposals whose effects would be university-wide, but may not act upon such proposals until all collegiate faculties have had an opportunity to review and respond to them.

Curricular proposals recommended by either university curriculum committee shall be submitted to the Vice President for Academic Affairs and Provost. The Provost shall forward these curricular proposals with his or her recommendations to the President for final approval. The Provost shall inform the curriculum committees and all affected collegiate faculties of the President's actions.

ARTICLE V: AMENDMENT

Constitutional amendments may be proposed by either of two methods.

A proposed amendment may be submitted by at least ten members of the faculty to the faculty senate at a regular meeting of that body. The faculty senate must vote on the proposed amendment at no later than the fourth meeting after submission. A simple majority vote is required for the proposed amendment to be submitted to the faculty. Alternatively, a proposed amendment to this *Constitution* may be submitted in writing to the Provost and Vice President for Academic Affairs one month before the next scheduled faculty meeting. Signatures of at least ten percent of the members of the faculty must accompany the proposed amendment in order to validate the proposal.

The Provost shall publicize a proposed amendment at least three weeks prior to the meeting at which action is to be taken. Amendments may be considered at either of the regular faculty meetings held at the conclusion of the long semesters. A two-thirds majority vote of the members present is required for passage with a quorum defined as at least one-half of the faculty, exclusive of emeritus faculty. Any amendment passed by the faculty shall become effective upon approval by the Clemson University Board of Trustees.

PART VIII.

PROFESSIONAL PRACTICES

A. Overview

The first responsibility of teaching faculty is to their students. Because faculty teach not only by formal instruction but also by example, they must be fully aware of their responsibilities to their students and must endeavor to fulfill those responsibilities conscientiously.

Some policies concerning faculty-student relationships--particularly those regarding class attendance, academic dishonesty, and student rights and responsibilities--are set forth in greater detail in the university's *Student Handbook*, a copy of which each faculty member receives. Various policies contained in the *Handbook* are subject to review by the faculty senate, the Undergraduate Curriculum Committee, and/or the Academic council. Faculty are advised to become conversant with the *Handbook*, especially as it pertains to the kinds of academic matters considered below.

B. Work Load

The normal faculty workload entails teaching and research assignments; service to the department, school, college, and the university; and/or other professional activities. The usual teaching assignment at Clemson University is 9-12 credit hours for each of the two regular semesters. The particular teaching assignment of an individual faculty member may, for a number of reasons, vary from department to department and even within departments. Departments with heavy faculty research obligations may in some instances reduce teaching loads and assign the hours so released to research. Release time may also be provided through funded research. Unusually heavy service assignments (e.g., committee work, administrative duties, advisory responsibilities, extra-mural service) may also lead to reduced teaching assignments, depending upon the staffing situation in a given department. In some instances graduate courses, off-campus courses, or unusually large classes may be considerations in workload decisions.

Off-campus courses are offered by some colleges. The program at Furman University leading to the Master of Business Administration degree through the College of Business and Public Affairs and the courses taught at the University Center of Greenville are two examples. These courses are taught by Clemson faculty and carry university credit.

Faculty on non-teaching appointments and librarians have their work assignments made on the basis of particular tasks to be accomplished or periods to be covered. Faculty members whose responsibilities include teaching as well as non-teaching assignments have their workloads established on a percentage basis.

Courses are assigned to faculty by the department chair on the basis of established departmental procedures. Factors taken into consideration include: departmental needs, faculty expertise, faculty preferences for particular teaching assignments, faculty schedules, and the nature and extent of non-teaching workloads.

C. Work Schedule

Members of the learned professions, whether faculty or administrators, by tradition and practice, give generously of their time, energies, and abilities to further their institution's goals and purposes and their own professional pursuits. There is no reasonable way of regulating the hours devoted to such activities and no meaningful way of measuring them. Truly professional scholars, teachers, researchers, and administrators devote significant portions of their waking hours to such pursuits. Clemson University recognizes that this unique combination of responsibilities for teaching, research, public service, and administrative activities mandates

considerable variation in professional work schedules. The employment contract for nine-month faculty covers the period August 15-May 16. Outside this period faculty members may not be required to work for the university without compensation.

Except for formally scheduled classes and other regular activities, the duty schedules of the full-time teaching faculty are necessarily flexible. The discretion of the individual faculty member, therefore, governs the use of non-classroom time in accordance with the various demands of the university, of public service, continuing scholarly development, research, writing, and other professional activities. Those in administrative positions and in full-time research have similarly unpredictable demands made upon their time. Beyond the fundamental requirement that faculty meet their scheduled classes and fulfill other regular commitments, faculty are evaluated on the quality of their performance as scholars, teachers, and researchers rather than on such quantitative bases as the number of their preparation hours or the regularity of their work schedules.

Because of the extended schedule of hours for which library service must be available, librarians have their work loads distributed over long working days and seven-day working weeks. Librarians' total work loads, however, should be comparable to those of professional personnel similarly situated in other university positions.

D. Syllabus

A syllabus will be prepared for every undergraduate and graduate class and made available to students at as early a class meeting as practicable, but no later than the last class period before the last day for a student to add a class. It should give the course expectations, including a topical outline of the course, grading policies, and attendance policies.

E. Office Hours

Faculty members should also be accessible to students with respect to course work outside of scheduled class-meeting times. Because of the diverse nature of the academic departments, each department or school establishes its own written office hour policy approved by the college dean.

F. Teaching Practices

A semester is normally fifteen class weeks in length, exclusive of final exams. Lecture courses meet fifty minutes per week per credit hour. Two or three contact hours of laboratory are assigned per credit hour. Three-credit classes meet for fifty minutes Monday, Wednesday, and Friday or for seventy-five minutes Tuesday and Thursday. This pattern allows for a fifteen-minute break between classes. Prompt dismissal of classes permits students who must travel between widely separated classroom buildings to enter their next class on time. A three credit-hour summer course meets for ninety minutes, five days per week, for twenty-five meetings. Appropriate adjustments are made for courses with more or fewer credit hours, or for laboratory courses.

A limited number of regular semester courses and summer courses are offered on variant schedules. Most of these are late afternoon or evening courses intended for graduate students and other special groups.

Course offerings are listed in advance of early registration, which occurs in April for the fall semester and in November for the spring semester. Listings of summer offerings are available at the November early registration.

1. Faculty Class-Meeting Responsibilities. Teaching faculty are obligated to meet their classes regularly at the appointed times. When there are valid reasons for being absent from class (e.g., illness, emergencies, or travel on university business), the faculty member should notify the affected classes **and the department office. If possible, such notification should be given** in advance. Suitable arrangements, such as, substitute instructors, library assignments, or other appropriate utilization of class time, should also be made. If no advance arrangements are made, students are authorized to leave after waiting the time specified by the teacher at the beginning of the course in the course syllabus.

2. Attendance Policy. The full attendance policy for undergraduates is set forth in *Undergraduate Announcements* but the key points are as follows. All students are required to attend the first day of classes and labs

or contact the instructor to indicate their intention to remain in that class. The faculty member is obligated to inform students in writing about attendance policy during the first full week of classes. In some departments attendance policy is established on a departmental basis. Regular and punctual attendance at all class and lab sessions is the responsibility of each student. College work proceeds at such a pace that regular attendance is necessary in order for each student to obtain maximum benefits from instruction. All absences are matters to be resolved between the instructor and the student. In the event that a student finds it necessary to be absent from class, it is the student's responsibility to make up resulting deficiencies.

Redfern Health Center does not issue official "medical excuses." Students visiting the Center are given a receipt. This document or a telephone call to the Center can be used to confirm services were rendered. No diagnosis or other confidential information is given.

A student who incurs excessive absences in a given course may be dropped from that course by the instructor in accordance with stated course policy. Students may withdraw from a course by using the online drop and add system. Students who withdraw after the first two weeks of classes shall have grades recorded for those courses. Prior to the last seven weeks of classes, this grade would normally be "W." Students are limited to no more than seventeen hours of "W" grades during their academic careers. Transfer students, however, may withdraw from no more than twelve percent of their total academic work or up to seventeen hours of course work, whichever is fewer remaining in their chosen undergraduate curriculum at the time of their transfer to Clemson University.

3. Examinations and Grading. Faculty should announce course requirements, procedures for examinations, and grading standards during the first full week of classes. Final examinations must be given on the dates and at the times designated in the final examinations schedule. Detailed information on grading procedures can be found in an appropriate university publication.

Clemson University uses the assignment of the following undergraduate grades: A--excellent work; B--above average work; C-- satisfactory work; D--unsatisfactory but passing work; F--failure (to receive credit the student must repeat the course and earn a "D" or above); W—withdrawn after the first two weeks of classwork and prior to the last seven weeks of classes, not including the examination period; I-- incomplete work (to be used only when a relatively small part of all course requirements has not been completed). Under some circumstances a course can be taken on a Pass/Fail basis.

A student receiving an "I" is allowed thirty days after the beginning of the next regular semester to make up the incomplete work. One extension of the deadline may be granted in unusual circumstances if approved by the instructor and department chair. A make-up grade form is sent to each instructor who gives an "I" grade, and the form has a place to approve an extension. The grade of "I" remains on the academic record until the make-up grade is received in Student Records. Even though the "I" grade is computed like an "F" in the student's grade average, the instructor should submit a make-up grade of "F" if that is intended to be the final grade.

An undergraduate may not repeat a course for credit in which a grade above "C" has been earned. Both grades are recorded in the student's transcript. For more detailed information on examinations and grading, faculty should consult the section, "Scholastic Regulations," in the *Undergraduate Announcements*..

Faculty will retain all grade records for 120 days, exclusive of summer vacation. Faculty who leave the university for any reason or who are going on sabbatical or taking leave of absence, shall submit their grade records to the department to be retained for 120 days exclusive of summer vacation.

Once near mid-term in every undergraduate course the instructor shall make available for each student: (a) that student's ranking to date in that course or (b) that student's course grade to date, relative to the grading system stated in the course syllabus. This feedback should occur near mid-term, but it shall occur no later than the course meeting prior to the last day to withdraw without final grades. More frequent feedback is strongly encouraged. Both student and instructor are to recognize that this feedback reflects the student's performance up to that point in time and, as such, that student's final course grade may change based upon subsequent performance. This policy includes all undergraduate courses and applies to summer school, including Maymester.

4. Student Rights and Responsibilities. As indicated in the *1967 Joint Statement on Rights and Freedoms of Students* of AAUP, academic institutions exist for the transmission of knowledge, the pursuit of truth, the intellectual development of students, and the general well-being of society. Free inquiry and free expression are indispensable to attaining these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Freedom to teach and freedom to learn are indispensable elements of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the community at large. Students are expected to exercise their freedom responsibly.

The responsibility to secure and respect general conditions conducive to the freedom to learn is shared by all members of the academic community. The faculty member, in the classroom and in conference, should encourage free discussion, inquiry, and expression. Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgments about matters of opinion; however, they are responsible for learning the content of any course of study for which they are enrolled.

Student performance is to be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards. Students receive protection against prejudiced or capricious academic evaluation by means of orderly procedures set forth in the *Student Handbook*.

Information about student views, beliefs, and political associations which faculty members acquire in the course of their work as instructors, advisors, and counselors is confidential. It is a faculty member's professional obligation to guard against the improper disclosure of such information. Faculty judgments concerning the ability and character of any student are to be provided only as the academic growth and development of the student may be fostered and only on a need-to-know basis.

5. Privacy. Specifically, the privacy of students and the regulation of access to and release of their university-maintained records come under the federal government's *Family Educational Rights and Privacy Act of 1974*. This act accords students the right of access to their "educational records"--defined as records, files, documents, and other materials (including, but not limited to, handwriting, print, tapes, film, microfilm, and microfiche) which both contain information directly related to a student and are physically maintained by the university or by anyone acting for the university. However, not included in the definition of "educational records"--and thus excepted from such student access--are supervisory, instructional, and administrative personnel records and such items pertaining thereto as grade books, observational notes, and notes for recollection purposes so long as they remain in the sole possession of their authors and are not revealed to any person other than the authors' substitutes. Thus federal law (as well as the South Carolina *Freedom of Information Act*) does not require faculty and administrators to give students access to such records as are personally maintained by faculty and are kept in strict confidence by faculty.

For faculty, then, the main significance of the *Family Educational Rights and Privacy Act* is that the right of access to information concerning student grades and other performance evaluations is limited to the students themselves and not to any third party including parents except those with a clear need to know (such as substitute faculty and official custodians of records). Thus, for example, grades received by an individual student for any type of scholastic work performed may not be publicly communicated either in oral or written form that uses any personally identifiable information (e.g., the name, address, or Social Security number of the student) without the written consent of the student. Faculty should not mention grades or scholastic progress to parents, verbally or written, without the prior written consent of the student. Without such written consent, faculty should not discuss scholastic progress relating to a specific individual over the phone, even if the person to whom they are speaking identifies themselves as the specific student.

Faculty should also be aware that students have the right to review confidential recommendations that are used in application for employment or for admission to the university or to other educational institutions, or that contains information concerning honors and awards--provided that such recommendations are included in educational records maintained by the university and that the students have not waived this right.

Under the South Carolina *Freedom of Information Act*, scholastic records prepared and maintained by individual faculty may be kept in confidence and are not subject to mandatory disclosure to any person, including

students. That is, the Act specifically excludes such "scholastic records" from those "public records" to which it gives citizens access.

It should be noted, however, that the Act could be interpreted to include such scholastic "tools" as syllabi, textbooks and other assigned readings, illustrations, photographs, films, phonograph materials, etc. used in a course of instruction, and any other documentary materials prepared, owned, used, in the possession of, or retained by a public body such as Clemson University. All such items then are potentially accessible for inspection by citizens upon due application.

The full university policy statement regarding compliance with the *Family Educational Rights and Privacy Act* of 1974 is available from the office of the Vice President for Student Affairs. Information concerning and interpretations of federal and state laws governing such matters can be obtained from the General Counsel.

6. Academic Integrity. As members of the Clemson University community, we have inherited Thomas Green Clemson's vision of this institution as a "high seminary of learning." Fundamental to this vision is a mutual commitment to truthfulness, honor, and responsibility without which we cannot earn the trust and respect of others. Furthermore, we recognize that academic dishonesty detracts from the value of a Clemson degree. Therefore, we shall not tolerate lying, cheating, or stealing in any form.

a. Any breach of the principles outlined in the Academic Integrity Statement is considered an act of academic dishonesty.

b. Academic dishonesty is further defined as:

1. Giving, receiving, or using unauthorized aid on any academic work;
2. Plagiarism, which includes the copying of language, structure, or ideas of another and attributing the work to one's own efforts;
3. Attempts to copy, edit, or delete computer files that belong to another person without the permission of the file owner, account owner or file number owner;

c. All academic work submitted for grading contains an implicit pledge and may contain, at the request of the instructor, an explicit pledge by the student that no unauthorized aid has been received.

d. It is inherent that faculty members enforce the Academic Integrity Policy. Please consult *Undergraduate Announcements* for details concerning the hearing committee structure, procedures, and penalties.

7. Student Advising. Advising is a unique form of teaching and offers special rewards to both students and faculty. Faculty with special dedication to students and with commitment to perform work more demanding than classroom teaching should be the faculty chosen as academic advisors. It follows, therefore, that advising along with classroom teaching is considered in assessing performance.

The primary purpose of academic advising is to assist students in their pursuit of educational programs designed to attain their life goals and meet career objectives. An academic advisor helps students identify and assess alternatives and evaluate consequences of their decisions. Good advising assists students in understanding institutional policies and procedures; in making academic decisions and examining progress toward goals; and in understanding available institutional and community support services.

Each academic unit has an academic advising coordinator who assumes primary responsibility for knowing academic regulations and policies; attends university meetings on advising; disseminates information to other advisors; and monitors and assists other advisors. All advisors will schedule adequate and convenient office hours to meet student needs for consultation. Special attention will be given to student advising needs during early registration, orientation, and late registration periods.

8. Evaluation of Teaching by Students. The university provides a standard form that meets the minimum requirements of Best Practices for student evaluation of teaching faculty. This form must be approved by the Scholastic Policies Committee and the faculty senate. Individual departments may develop questions supplemental to the university's minimum standard questions or employ comprehensive supplemental questions, but the standard questions are required. These forms will be distributed in every class near the end of the semester. The instructor will announce to the students that completed forms will not be examined until course grades have been submitted. It is required that instructors leave the room while forms are being completed by students. A student proctor will conduct the evaluation.

Student evaluation of teaching is mandatory for all instructors at both the undergraduate and graduate levels. All evaluation forms are returned directly to the instructor to be retained for a six-year period. Course summary information from the evaluation forms will become part of the personnel review data for annual review, reappointment, tenure and promotion, and for post-tenure review consideration. The university will retain electronic copies of all evaluation summaries for the purpose of verification that the evaluations have been carried out. These summaries will also be used for annual review, reappointment, tenure, promotion or post-tenure review in accordance with guidelines found elsewhere in the *Faculty Manual* only if a faculty member's forms are not available. Access to these electronic summaries shall be with notification to the faculty member involved.

Other evaluation methods which must be given at least equal weight in the teaching evaluation process include one or more of the following:

- a) evaluation of course materials, learning objectives, and examinations by peers and/or supervisors,
- b) in-class visitation by peers and/or supervisors,
- c) a statement by the faculty member describing his/her methodology,
- d) exit interviews/surveys with current graduates and alumni, and
- e) additional criteria as appropriate to the discipline.

9. Students with Disabilities. Clemson University complies with federal law that prohibits discrimination in programs and activities for students with disabilities. Section 504 of the *Rehabilitation Act of 1973* states:

"No otherwise qualified handicapped individual...shall, solely by reason of his handicap, be excluded from the participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Appropriate documentation of a disability is required and once obtained, a letter of accommodation is developed with the student who hand delivers it to instructors.

The Office of Disability Services provides auxiliary services such as assisting with early registration; transcribing recorded lectures; and assisting with recorded texts, interpreters for the deaf, and readers for the blind. Direct classroom accommodation such as test proctoring, extended time, and alternative test formats are arranged by the academic department once the accommodation letter is received. Faculty are encouraged to discuss students' needs when they self-identify; however, accommodations should not be provided without receiving the above mentioned accommodation letter with a current date and original signature.

G. Graduation, Commencement, and Other Formal Academic Ceremonies.

Faculty members shall normally participate in appropriate academic dress in at least one of the following academic ceremonies annually: Graduation or Commencement. The faculty of each college shall determine appropriate representation at each ceremony. Each department (or school, if there is no department) of the college shall ensure that its proportionate representation is present. Where appropriate a marshal and a standard bearer shall be selected to lead the college faculty into the ceremony.

H. Summer Employment

Faculty on nine-month appointments may accept compensated summer employment elsewhere, in the university's summer sessions, or in connection with such specific assignments (e.g., special administrative or committee duties or research) as may be offered through the university. Faculty on nine-month appointments are not required to teach in summer sessions. Likewise, nine-month faculty are neither required to perform university duties nor be available for university responsibilities without compensation outside the period August 15-May 16. Faculty on twelve-month appointments, however, are required to perform year-round duties, with time off for annual leave.

Faculty who teach at Clemson in summer sessions are expected to fulfill the regular responsibilities associated with university instruction, such as holding classes as scheduled and maintaining reasonable office hours.

Likewise faculty with special summer research or other responsibilities should make known to their supervisors where and when they may usually be contacted.

Compensation for summer school teaching is computed on the basis of 3.25% of the faculty member's base salary per credit hour.

I. Other Summer Employment.

Compensation for other teaching, for sponsored research, and/or for extension activities performed during the months between the academic years (fall and spring semesters) and not related to a summer session is computed at the same rate as for nine-month faculty members' "base period" for the immediately preceding academic year. (Here "base period" means either a semester or an academic year.)

The formula for calculating compensation for summer employment other than summer-session teaching follows (with "base pay" meaning the compensation allowed for full-time employment during a base period).

Calculate the faculty member's daily compensation rate by dividing the number of working days during the summer period into one-third of the faculty member's base pay for the immediately preceding academic year. The faculty member is then paid at this rate for each day of employment by the university during the summer period. When a legal or declared holiday happens to fall on a working day during the summer period, it is to be considered a paid holiday if the faculty member has been or is to be employed for a minimum of thirty successive working days, which include the holiday(s) in the summer period. Vacation leave is accrued at the rate of one and one-half days for each twenty working days. Such leave may be taken only during the time period supported by the summer employment funding source(s) and is subject to approval on university form CUBO-400. It is approved and recorded within each department and is not reflected on the university computerized leave system.

J. Dual Employment and Overload Compensation.

Dual Employment and overload compensation will be considered when a faculty member is asked to assume an additional workload which significantly surpasses the 12 credit hour equivalent expectation during a semester. Such dual employment/overload compensation may be either internal (e.g., overload teaching at Clemson) or external (work for another state agency). The maximum compensation allowable is thirty percent of the base period salary (semester, academic year, or calendar year, as appropriate). The Division of Human Resources can supply further details.

The request for dual employment/overload compensation must be accompanied by clear documentation, verified by the department chair or school director and approved by the dean, that the faculty member's base-line workload is at or above the expected 12 credit hour equivalent before assuming additional duties. The department chair or school director must verify that these additional activities are consistent with the mission and strategic directions of the faculty member's college and department or school. Furthermore, the faculty member must document that adequate and appropriate arrangements have been made for regularly scheduled classroom activities and office hours if these are impacted by the dual employment/overload compensation assignment.

K. Private Outside Employment

"Private outside employment" refers to both private consulting activities and other remunerative outside activities of faculty members. "Consulting activity" is defined as professional work performed outside university auspices that is substantively related to a faculty member's area of expertise and duties at the university. "Outside activities" refers to employment or business activities (other than personal and private financial transactions) designed to enhance the income or wealth of the faculty member but not directly related to his/her area of expertise as a faculty member. Professional employment by the university clearly presumes a commitment of time and effort considerably beyond simply fulfilling such scheduled duties as meeting classes. Excessive involvement in private outside employment of any kind must by definition have detrimental effects upon the performance of professional duties. Such lowered performance levels by necessity affect decisions regarding tenure, promotion, and salary.

1. Consulting. Consulting activities can contribute to the professional development and stature of the faculty member, and thus may benefit the university as well as the faculty member, so long as such activities are kept within reasonable bounds. The university, therefore, encourages consulting activities, provided that they present no conflicts of interest and do not diminish the quantity and quality of professional services rendered to the university as part of the faculty member's normal duties and responsibilities. The primary safeguard is the requirement that the faculty member secure advance approval for consulting activities from the department chair, school director, and dean. Department chairs, school directors, and deans shall evaluate the merits of each request to consult to ensure that the activity is beneficial to the university in that no conflicts of interest exist, no conflict with university duties or responsibilities is present, and the total amount of consulting by the faculty member is not excessive. Guidelines developed by the dean of each college for use in this evaluation shall be provided to the faculty after review by the Provost or designee to ensure consistency with this policy. **(Also see page ix-3, Faculty Consulting Policy)**
2. Outside Activities. Outside activities are not viewed as beneficial to the university and are not encouraged. If engaged in, they must pose no conflict of interest or result in any lessened contribution by the faculty member to the university. The outside activities of part-time as well as full-time faculty members must not impinge in any way upon the duties and responsibilities of the faculty member to the university.
3. Use of University Facilities and Equipment. University facilities and equipment shall not be used in the furtherance of outside activities in any instance, and shall only be used in the furtherance of consulting activities when: a) such facilities and equipment are not available commercially, and b) approval in advance has been secured from the Assistant to the President.
4. Reporting Requirements. A form for securing approval in advance for consulting activities must be submitted for any proposed consulting that is to occur during the faculty member's period of employment. Faculty on nine-month appointments need not complete this form for consulting that is to occur during the period in which they are not employed by the university.

Faculty are not required to secure advance approval for outside activities, but should be prepared to disclose the nature and extent of such activities to their department chair, school director, and dean if a possibility of conflict of interest or impingement upon the proper performance of duties arises.

L. Sabbatical Leave

Sabbatical leave may be granted by the President of the university to any tenured faculty member who has completed at least six years of full-time service with the university. The purpose of sabbatical leave is to relieve faculty of normal duties so that they might pursue significant projects facilitating their professional growth and development, thus enhancing their future contributions to the mission of the university. Such leaves, therefore, are not granted automatically upon completion of the necessary period of service. Sabbaticals cannot occur more frequently than every seventh year.

Applications for sabbatical leave by faculty on nine-month appointments may entail a request for one semester of leave at full pay or for two successive semesters at half pay. Applications for sabbatical leave by faculty on twelve-month appointments and administrators with faculty rank may be made for periods up to six months at full pay or for periods of over six months to one calendar year at half pay. There shall be no discrimination between one-semester or two-semester sabbaticals for nine-month faculty and between six-month or twelve-month sabbaticals for faculty with twelve-month appointments. Certain fringe benefits may be continued during sabbatical if arrangements are made in advance with the Division of Human Resources. Faculty on sabbatical leave will maintain all the rights and privileges of regular faculty. The following steps should be followed in the application and review processes for sabbatical leaves:

- a) Applicants requesting sabbatical leaves should prepare a proposal containing information on the goals of the sabbatical including supporting materials and information on how the teaching responsibilities of the applicant will be handled while he or she is away from campus. An applicant must consult with the department chair concerning teaching responsibilities.

- b) Normally, the proposal for a sabbatical leave should be submitted to an elected departmental committee, chaired by the department chair, for review no later than January 31 (for sabbaticals beginning in the fall semester) or no later than May 31 (for sabbaticals beginning in the spring semester).
- c) The departmental committee's written recommendation shall be forwarded directly to the dean of the college with a copy to the applicant. The departmental committee will take no longer than two weeks to submit its recommendation.
- d) The dean of the college will forward his or her recommendation to the Provost and the applicant no later than February 28 or June 30, as appropriate.
- e) By March 15 or July 15, the Provost will forward his or her recommendation to the President and inform the applicant, the dean of the college, and the chair of the department of his or her recommendation.
- f) The President shall render his or her decision within two weeks of receiving the Provost's recommendation.
- g) The Office of the Provost shall maintain and publish a list of the individuals granted sabbaticals, the date the sabbatical was approved, the title of the project, and the dates when the sabbatical was taken.

Sabbatical leaves are granted in good faith. When such a leave is ended, a faculty member is expected to return to regular service with the university for at least one contract year or, at the university's request, refund the remuneration received from the university during that time. Upon return from sabbatical leave the faculty member shall file a written report with the department chair or school director on his/her professional activities during the leave period.

M. Other Leave and Holidays

As state employees, faculty are eligible for state leave and holiday benefits. For a full explanation refer to the *Personnel Manual*. A brief explanation of some of the leave benefits follows.

1. Annual leave: Faculty on an academic year (nine-month) appointment do not accrue annual leave. The terms of annual leave for persons holding twelve-month faculty appointments, which include administrators and librarians, are somewhat different from those of classified personnel. Annual leave for twelve-month faculty is accumulated at the rate of eighteen working days per year for the first nineteen years of service at Clemson, and thirty days per year thereafter. A maximum of forty-five unused leave days may be carried forward into each calendar year. Although all accumulated leave may be used each year, no more than thirty working days of leave may be used in one calendar year without the Provost's approval. Twelve-month faculty on sabbatical leave accrue annual leave provided they return to duty.
2. Sick leave accrues monthly at the rate of 9.38 hours of sick leave per month for every month a faculty member is in pay status for one-half or more work days of the month excluding summer employment of nine-month employees. Sick leave may be used when personal illness or injury prevents one from performing regular duties or for medical appointments. A maximum of 8 days sick leave per year may also be taken for the illness of an immediate family member. "Immediate family," as defined in the SC *Sick Leave Act*, includes spouse and children and the following relations to the employee or the spouse of the employee: mother, father, brother, sister, grandparent, or legal guardian and grandchildren if the grandchild resides with the employee and the employee is the primary caretaker of the grandchild.
3. A faculty member shall, upon request, be granted up to three consecutive days of leave with pay upon the death of any member of his/her immediate family. "Immediate family" is defined as the spouse, great grandparents, grandparents, parents, brothers, sisters, children, grandchildren, and great grandchildren of either the faculty member or his/her spouse.
4. Court leave is granted for obedience to a subpoena or other legal direction by a proper authority to serve on a jury, testify, or serve as a witness. Any jury fees and travel payment shall be retained by the faculty member. When

a faculty member is a voluntary witness in litigation as an individual, and not in any official capacity, court leave is not granted.

5. Military leave is granted, up to the maximum accorded by state law (currently 15 days), for active duty or training with the armed forces of the United States or the National Guard. The leave days need not be consecutive and may involve more than one tour of duty.

6. Holiday leave is granted for official holidays; however, teaching schedules and other circumstances may require the faculty member's presence. Nine-month faculty receive the regular student holidays listed in the *Undergraduate Announcements* unless special circumstances require their presence.

7. A faculty member who shifts from a nine-month to a twelve-month appointment shall have leave calculated on the basis of the total number of years service to the university.

8. A faculty member who shifts from a twelve-month to a nine-month appointment has the following options for handling accrued annual leave: 1) all accrued annual leave earned (up to a maximum of forty-five days) will be credited to the individual's account and frozen until retirement or termination, upon which the credited amount will be paid at the salary rate in effect upon retirement or termination; 2) all accrued annual leave (up to a maximum of forty-five days, regardless of any leave used in the current calendar year) will be computed at the rate of salary in effect immediately prior to the transfer to the new appointment and will be paid to the individual on the last payday prior to the transfer. It is the faculty member's responsibility to notify the Division of Human Resources if such a shift is being planned.

N. Graduate Study by Faculty

With the approval of the appropriate administrators and the dean of the graduate school, university faculty, administrators, and staff may pursue graduate work for credit at Clemson. However, no faculty member with a rank higher than Instructor may be considered as a candidate for an advanced degree at Clemson University in his/her primary area of professional responsibility or in the department in which he/she is a member.

O. Professional Travel

Clemson University recognizes the importance of attendance at professional meetings to faculty growth and development and encourages faculty participation in such activities. Thus, the university provides financial support for professional travel to the extent that financial circumstances permit. Department chairs and school directors are responsible for establishing travel criteria and priorities. Such criteria and priorities can vary from year to year depending upon the travel funds available, the number of faculty applying for professional travel allotments, the nature of faculty participation in particular meetings, distances to be traveled, modes of travel, etc. On these bases, department chairs allocate travel funds among departmental faculty. Departments normally try to maintain small contingency travel funds for special circumstances.

To be reimbursed for travel expenses the faculty member completes a travel voucher and attaches to it receipts for registration, transportation, and lodging. Meal reimbursement is subject to the state per diem schedule. Reimbursement for official travel in personal vehicles is only allowed under certain conditions. Cash advances for travel may be secured by completing a travel cash advance form (available from the departmental or school office) and taking the signed form to the Bursar's Office. Travel outside the United States and Canada involves special procedures for approval.

PART IX.

SUMMARY OF SELECTED CAMPUS POLICIES

Each department/school is required to keep a copy of all university policies affecting faculty and make it available for faculty use.

A. WORKPLACE AND PERSONNEL

1. GENERAL STATEMENT ON PERSONNEL POLICIES

As university and State employees, faculty must adhere to numerous policies. These policies are given in their entirety in the *Clemson University Personnel Policies and Procedures Manual* which is available in the Library and in each departmental office. These include:

Summer Compensation for 9-month Faculty Members; Dual Employment; Method of Compensation Deductions; Computerized Leave Systems; Annual Leave (Payment upon Retirement or Death); Sick Leave; Leave With Pay; Leave Without Pay; Hazardous Weather and Emergency Conditions Leave Policy; Unauthorized Absences; Financial Disclosure Policy for Sponsored Programs; Employee Leave Transfer Program; Social Security; South Carolina Retirement System; Service Retirement; Optional Retirement Program; Disability Retirement; Retirement Options; Survivor's Benefits; Creditable Service; Federal Retirement; Workers Compensation; Education, Recreation, and Cultural Benefits; Eligibility for Membership and Fees for Use-Campus Recreation Facilities; Tuition Assistance Program; Group Insurance Benefits; S.C. State Health Insurance Program; Dental Insurance Program; Money-Plus Program; Cancer Insurance; Long-term Care Insurance; Disability Insurance; Life Insurance; Credit Union and Savings Bonds; Annuities and Deferred Compensation; Other Voluntary Deductions; Agency Directed Training; Employee Training Opportunities; Employee Innovation Program; Employee Drug and Alcohol Program; Employee Assistance Program; Conduct of Employee and Official Information; Fleet Safety Program; Political Activities of Employees; State Governmental Contacts; Smoking Policy; Missing Fund and/or Missing Property; General (Freedom of Information Act) Inquiries; Academic Permanent Records; Terminal Pay; Death; Retirement; and External Communications: Contacts with State Officials/Agencies.

The following summaries are of policies which are of interest to the majority of the faculty.

2. EQUAL OPPORTUNITIES POLICIES

Clemson University, in compliance with Titles VI and VII of the *Civil Rights Act of 1964*, as amended, Title IX of the *Education Amendments of 1972*, and Sections 503 and 504 of the *Rehabilitation Act of 1973*, and the *Americans with Disabilities Act of 1990*, does not discriminate on the basis of race, color, national origin, religion, sex, or handicap in any of its policies, procedures, or practices; nor does the university, in compliance with the *Age Discrimination in Employment Act of 1967*, as amended, and Section 402 of the *Vietnam Era Veterans Readjustment Act of 1974*, discriminate against any employees or applicants for employment on the basis of their age or because they are disabled veterans or veterans of the Vietnam era. Clemson University conducts its programs and activities involving admission, access, treatment, employment, teaching, research, and public service in a nondiscriminatory manner as prescribed by Federal laws and regulations.

In conformance with university policy and pursuant to Executive Order 11246, as amended, Section 503 of the *Rehabilitation Act of 1973*, and Section 402 of the *Vietnam Era Veterans Readjustment Act of 1974*, Clemson University is an Affirmative Action/Equal Opportunity Employer.

Inquiries concerning the above may be addressed to any of the following: President, Clemson University, Clemson, South Carolina 29634; Director for Access and Equity, Clemson University, Clemson, South Carolina 29634; Director, Office for Civil Rights, Department of Education, Washington, D.C. 20201.

3. DRUG AND ALCOHOL POLICY

Clemson University recognizes that the illegal or abusive use of alcohol or drugs by members of the campus community jeopardizes the safety of the individual and the campus community, and is not conducive to the academic learning process. Clemson University is, therefore, committed to having a campus that is free of the illegal or abusive use of drugs and alcohol. This policy is implemented in compliance with the *Drug-Free Workplace Act of 1988*, the *Drug-Free Schools and Communities Act Amendments of 1989* and the *South Carolina Drug-Free Workplace Act of 1990*. Each employee shall receive and acknowledge receipt of a copy of the Drug and Alcohol Policy. Further information can be obtained from the Office of Human Resources.

4. NEPOTISM POLICY

It is the policy of Clemson University that there shall not exist, in writing or practice, any prohibition, restriction or limitation on the simultaneous employment of two or more members of the same family which has an adverse impact on one or the other. For the purposes of this policy, the term "members of the same family" includes any combination of two or more of the following: each spouse, and the father, mother, brother, sister, son, daughter, niece, and nephew of each spouse.

Members of the same family may be employed in academic or nonacademic positions, in the same or different departments or offices, provided, however, that when one member of the family would be required to function in a supervisory capacity in specific situations involving another member of the same family, the prior approval of the appropriate administrative officer for such an arrangement must be obtained. In such cases the administrative officer shall determine whether a member of the same family would be required to initiate or participate in institutional decisions involving a direct benefit - for example, appointment, reappointment, tenure, promotion, salary, leave of absence, etc. - to an applicant from the same family. A good faith determination by the appropriate administrative officer that it would not be in the best interests of the university to establish such a close working relationship between members of the same family, and that the additional family member should be denied employment, would not constitute a denial of equal employment opportunity to one sex over another. In such case the university shall make reasonable efforts to place the applicant in some other university position for which the applicant is qualified.

In situations where in one family member could influence personnel decisions affecting the other member of the same family, propriety dictates that the former excuse himself/herself from the decision-making process.

5. RACIAL HARASSMENT POLICY

Racial harassment of university faculty, staff, students, or visitors is prohibited and shall subject the offender to appropriate disciplinary action. It is the policy of Clemson University to conduct and provide programs, activities, and services to students, faculty, and staff in an atmosphere free from racial harassment. Racial harassment is any behavior that would verbally or physically threaten, torment, badger, heckle, or persecute an individual because of his/her race. Faculty members can seek advice from the Office of Access and Equity.

6. SEXUAL HARASSMENT POLICY

Title VII of the *Civil Rights Act of 1964*, as amended, provides that it shall be an unlawful discriminatory practice for any employer, because of the sex of any person, to discharge without just cause, to refuse to hire, or otherwise discriminate against any person with respect to any matter directly or indirectly related to employment. Harassment of an employee on the basis of sex violates this federal law. The Equal Employment Opportunity Commission has issued guidelines as to what constitutes sexual harassment of any employee under Title VII.

Title IX of the *Education Amendments of 1972*, as amended, prohibits sexual discrimination in any educational program or activity receiving federal financial assistance. Clemson University receives such assistance.

The Board of Trustees has determined that the Title VII guidelines on sexual harassment against employees shall be equally applicable in the instance of sexual harassment of students by employees. Accordingly, the following university guidelines are issued.

I. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a) Submission to such conduct is made explicitly, or implicitly, a term or condition of an individual's employment or academic standing, or
- b) Submission to, or rejection of, such conduct by an individual is used as a basis for employment or for arriving at academic decisions affecting an individual, or
- c) Such conduct unreasonably interferes with an individual's work, or academic performance, or creates an intimidating, hostile, or offensive working or academic environment.

Sexual harassment of university faculty, staff, or students is prohibited and shall subject the offender to oral or written warnings, suspension, transfer, demotion, or dismissal. In the event a claim of sexual harassment arises, the claimant may utilize university grievance procedures which have been established for faculty, staff, and students, as appropriate.

II. The Board of Trustees has also determined that sexual harassment can occur not only in situations envisaged by existing federal laws and guidelines, but also in instances for which no law, per se, has been enacted. Federal law and the guidelines set forth above contemplate a one-directional transgression, namely, a supervisor harassing an employee, or faculty member harassing a student. However, sexual harassment occurs in many forms. Therefore, this policy also prohibits an employee from sexually harassing a superior, a student from sexually harassing a faculty member, or any form of peer harassment. When such actions occur the offended individual should take corrective measures in accordance with usual practice and procedure.

For further information consult the Office of Access and Equity.

B. PROFESSIONAL ACTIVITIES

1. FACULTY CONSULTING POLICY

A new, uniform Faculty Consulting Policy has been approved. Faculty are requested to obtain a copy of the current consulting policy from their respective Dean's Offices. **(Also see page viii-8, Consulting.)**

2. COPYRIGHT POLICY

Clemson University recognizes the right of faculty to engage in the un-commissioned creation of all scholarly, pedagogical, and artistic work subject to copyright, to copyright such works, and to receive royalties from their use. "Un-commissioned creations" are defined as those which do not receive aid from the university or from an outside agency through university channels. As to other creations and their copyrights, the university relies on the discretion and professional ethics of faculty.

Computer programs developed by faculty without university support will at all times be solely owned by the authors of the copyright. Computer software programs developed with university support are subject to the university Computer Software Copyright Policy. For further information, contact the Office of University Research.

3. HUMAN SUBJECTS

Clemson University has filed the required general assurances of compliance with the regulations of the U.S. Department of Health and Human Services for the protection of human subjects. Although the assurance applies to human subject activities supported by federal funds, it has been adopted as university policy and, as such, applies to all human subject research activities carried out by university personnel. Faculty contemplating such activities must

submit a form for approval to be reviewed by the Committee for Protection of Human Subjects. The Committee ascertains whether the rights and welfare of subjects are adequately protected, the risks to subjects are outweighed by the potential benefits, and the informed consent of subjects is obtained by adequate and appropriate methods.

Further, faculty engaging in human subject research are responsible for adhering to the relevant guidelines established by their professional and/or accrediting organizations. For further information, faculty should contact the Office of Research Compliance.

4. HUMANE CARE AND USE OF ANIMALS

Clemson University has established a policy and protocol for the use of live animals in research, instruction, and public service activities. Use of vertebrate animals is reviewed and approved by the Animal Research Committee. Faculty contemplating such activities must submit a protocol form requesting approval to the Committee. For further information, faculty should contact the Animal Research Committee or Research Services.

5. PATENT POLICY

I. Preamble

Clemson University recognizes that research and scholarship should be encouraged without regard to potential gain from licensing fees, royalties, or other such income; however, the university also recognizes that patentable inventions and discoveries may arise from staff research. The policies governing the administration of such inventions should provide adequate recognition and incentive to inventors and at the same time ensure that the university will share in the rights pertaining to inventions in which it has an equity. Any incomes accruing to the university shall be used in the furtherance of the university's academic mission, e.g. instruction, research, and public service. Decisions as to the disbursement of such funds shall take into account recommendations by the Intellectual Property Committee. The university Patent Policy follows for detailed reference.

II. Objectives

The basic objectives of the university's policy regarding patents include the following:

- 1) to maintain Clemson University's policy of encouraging research and scholarship as creative academic endeavors while recognizing that commercially viable inventions may result from such endeavors;
- 2) to delineate procedures to encourage inventors to report discoveries with patent potential and to assist them, while at the same time safeguarding the interests of all concerned parties;
- 3) to make inventions developed in the course of university research available to the public under conditions that will promote their effective utilization and development;
- 4) to assure that inventions developed in the course of university research shall not be used to the detriment of the public interest by the unnecessary exclusion of any qualified user or by any other means;
- 5) to provide adequate recognition and incentives to inventors through shares in any proceeds from their inventions, since -- unlike common commercial practices -- university charges and salary scale are not based on the expectation of income from inventions by the university;
- 6) to advance and encourage research and other academic activities within the university with monies accruing to the university from its equity in inventions developed in the course of research supported by funds or utilizing facilities administered by the university, or in other inventions which are handled through the university;
- 7) to recognize the equity of any outside sponsor by allowing reasonable and equitable provisions for the granting of patent rights to the sponsor, consistent with the university's basic objectives outlined above and subject to the university's need to maintain the tax exempt status of financing used for certain university facilities.

III. Ownership

The rights of Clemson University in patents arising from research will vary depending on the proportionate contribution of the institution to the performance of the research projects or on the type of contract agreed upon with cooperating agencies. Research projects can vary from those wholly financed by the university or by a university administered fund to projects which receive no significant university support.

1. Clemson University will have ownership rights in all inventions of university personnel, including students, that are conceived or first actually reduced to practice as a part of or as a direct result of: (a) university research; (b) activities within the scope of the inventor's employment by, or in official association with, the university; and (c) activities involving the use of university information not available to the public, or funds administered by the university.
2. To the extent that an invention is conceived, developed and reduced to practice by a member of the faculty, staff, and students, on his/her own time, outside the scope of his/her employment or association with the university and without university facilities, materials, or resources, ownership of such invention shall belong to such member of the faculty, staff, and students. They may submit their invention to the university for possible patenting and/or commercial exploitation and management under terms to be agreed upon by the inventor and the university.
3. The provisions of the Clemson Patent Procedures are subject to any applicable laws, regulations, or specific provisions of the grants or contracts which govern the rights in inventions made in connection with sponsored research.
4. In order to avoid any question concerning the tax exempt status of financing used for certain university facilities, Clemson shall seek to: (a) retain ownership of inventions arising during performance of research sponsored by any private sponsor and/or federal Government sponsor and; (b) grant to such sponsor(s) any right in the invention only under compensation terms that are set after the time when the invention comes into existence and that are at a fair market level of compensation to Clemson. Under the terms of certain contracts and agreements between Clemson and various agencies of government, private and public corporations, and private interests, Clemson may be required to license patent rights to the contracting party. Clemson retains the right to enter into such agreements whenever such action is considered to be both in its best interest and in the public interest. The university will not agree to grant any rights in future inventions to private corporations or businesses unless such provision is included in the contract that sponsored the work leading to the invention.
5. Special cases not covered by the above statements or which arise because of conflict of interest shall be considered by the Intellectual Property Committee and an appropriate recommendation submitted to the University Administration.

IV. Intellectual Property Committee

The university's Intellectual Property Committee: a) evaluates patent proposals prepared by a member of the faculty, staff, or student body and then recommends whether the university should accept the proposal and attempt to obtain the patent; b) recommends the equity of the university and of the inventor within the limits specified in the policy statements outlined below; and c) recommends how the patents of Clemson University shall be assigned.

V. Intellectual Property Disclosures

Faculty members, staff, and students who believe they have patentable inventions (ideas, concepts, methods, materials, processes) in which the university has ownership rights shall bring them to the attention of the Intellectual Property Committee in accordance with the following guidelines.

When a potential patent application is received by the Intellectual Property Committee, the chair shall convene a sub-group to recommend a preliminary course of action. The sub-group shall consist of the Intellectual Property Committee chair, the Intellectual Property Committee representative from the college of the candidate patent application, and one other member of the Intellectual Property Committee to be selected by the chair. If the particular college or unit is not represented on the Intellectual Property Committee, the sub-group will be composed of the chair and two members of the Intellectual Property Committee appointed by the chair. After reviewing the relevant materials and discussions with the inventor(s), the sub-group will recommend to the Intellectual Property Committee one of three courses of action: (a) return of the idea/invention to the inventor(s) for their own patent pursuits, relinquishing university rights and subsequent responsibilities for costs and incomes; (b) referral of the patent application package to a research corporation or foundation acting as agent for its pursuit, with associated university and inventor(s) patent income sharing as determined by Clemson's agreement with that agent, or, (c) recommend the university pursue the patent application using its own financial and legal resources (when

intellectual property originates in the South Carolina Agricultural Experiment Station (SCAES) then SCAES will pay all costs associated with the patent). If actions (a) or (b) are recommended by the sub-group and the inventor(s) accept this recommendation, the chair will present the recommendation to the Intellectual Property Committee, at its next regular meeting, for action. The Intellectual Property Committee will have a maximum of 45 days to complete the review and take action on a particular disclosure. If action (c) is recommended, or the inventor(s) disagree with the sub-group recommendation, then the inventor(s) will present their disclosure before the full Intellectual Property Committee for its consideration and action. In each case, the Intellectual Property Committee's recommendations will be sent to the Chief Research Officer or designee for approval prior to further action.

In these cases where a Federal agency sponsored all or a part of the research, that agency will be informed of patent action(s) within 60 days of such action(s).

VI. Patent Income

1. "Patent Income" is defined to include income associated with any patent disclosure made to the Intellectual Property Committee for exploitation, even if the income is received before a patent application has been filed or a patent issued, and includes such monies received as royalties, fees, advanced payments, court awarded infringement damages, payments received in settlement of infringement disputes, and the like, calculated after the costs of exploiting the disclosure have been reimbursed to the university, some examples of such costs are the cost of securing the patent, appropriate licenses, and other legal efforts as required. Patent income shall not include indirect economic benefits resulting from the technological position established by the patented technology or the sale of derived articles or concepts, including such items as a follow-on NSF Grant that use the patented technology as a basis for future work.

2. Patent Income shall be divided into an Inventor(s) Share, a University Share, the Inventor(s) 'Home College(s)' Share, and Discretionary Funds. The Inventor(s)' Share is the portion of Patent Income paid directly to the inventor(s) as a group for their personal income. The determination of who is an "inventor" shall be made in accordance with the patent laws of the United States. The Inventor(s)' Home College(s)' Share is the portion of the Patent Income payable to the home colleges of the inventor(s) as a group. The University Share is the portion of Patent Income paid to the university (or SCAES). Discretionary Funds is the portion of Patent Income paid to the home college(s) of the inventor(s)' for the inventor(s)' use as discretionary scholarship/research support.

3. The percentage allocations of the various shares of Patent Income shall be calculated as follows:

For the first \$50,000 of Patent Income:

Inventor(s)' Share equals 40%;

Inventor(s)' Home College(s)' Share equals 20%;

University Share equals 40%.

For Patent Income in excess of \$50,000, the allocation is as follows:

Inventor(s)' Share equals 20%;

Discretionary Funds equals 20%;

Inventor(s)' Home College(s)' Share equals 20%;

University Share equals 40%.

4. College/Department Priorities: (A) The Inventor(s)' Share will be shared equally among all inventors, unless they agree otherwise. (B) Inventor(s) may always arrange for his/her/their personal share(s) to be retained by the university, e.g., to support his/her/their research. (C) The Inventor(s) Share will continue even though the individual may have left the university. (D) When an inventor leaves the university, the discretionary funds are added to the University Share. (E) When SCAES, and not the university, pays all of the costs associated with exploiting the invention, then SCAES stands in the shoes of the university and thus receives the University Share. (F) When none of the inventors has a home college, the Inventor(s)' Home College(s)' Share and/or Discretionary Funds are/is added to the University Share.

VII. Licensing Restriction

No assignment of or license for (or agreement to assign or license) any invention developed in the course of research supported by funds or utilizing facilities administered by the university may be entered into by any faculty

member, staff member, or student without the written consent of the university. The university shall have the ultimate right to resolve any conflict of interest arising in this connection with third parties or organizations. The basic objectives of the patent policy stated above shall serve as the criteria for approval of assignments, licenses, and agreements to assign or license.

VIII. Foreign Applications

Foreign patent applications will not be filed unless: a) substantial justification exists relative to the commercial potential of the invention; b) one or more firms have expressed their intent to license the technology; or c) the college/department/unit assume all filing and other foreign application costs.

There will be an annual review of foreign application/patent status. Foreign applications/patents that are not active with respect to license or license potential may be dropped.

Foreign application/foreign rights will be released to the inventor(s) if the Committee does not recommend initial or continued pursuit by the university and provided that the inventor(s) sign an agreement including the following provisions:

If the foreign rights generate income in the hands of the inventors, then such income would be applied initially to the outlays made by the inventors to secure such income, secondly to the expenses incurred by the university regarding such foreign rights prior to conveying same to the inventors with any remaining income shared as follows: 60% to the inventor(s) and 40% to the university for net income. The inventor(s) will maintain market and accounting records that will be available for review by the university on request.

IX. Maintenance Fees

An increasing number of the university's U. S. patents are subject to the payment of maintenance fees in order to keep such patents in force. Accordingly, there may be instances in which the university decides to abandon some of its non-producing U. S. patents. Regarding such non-producing U. S. patents to be abandoned by the university, the university will offer to convey such patents to the inventors under the arrangement described for foreign patents described in Section VIII.

X. Infringements

No university personnel shall accuse any third party of infringing any patent owned by the university unless express written permission has previously been obtained from the President of the university to make such allegation or accusation of infringement. Prior to granting such permission and prior to initiating litigation to resolve infringement of a university patent, the President shall consult with legal counsel and other counsel, as the President deems appropriate.

XI. Chair Responsibilities

During the summer sessions and extended university holiday periods, the chair will have the authority to: a) Expedite the review of patent disclosures deemed time critical, in terms of negotiations with prospective licensees, meeting filing deadlines, and the like; b) Initiate negotiations with prospective licensees for patent filing/processing fees or the like; and c) Such other activities that are time critical and cannot be delayed for handling at a regular or special called meeting of the committee.

XII. Record Keeping Guidelines

Good laboratory practice dictates the use of bound notebooks for record keeping, making entries on a daily basis. This "diary" format provides a day-to-day chronology. Use the notebook to record a conception (a complete description of a means to accomplish a particular purpose or result), laboratory data, and drawings. Each entry should be headed with a title and continued on successive pages. Make entries in ink and do not erase; draw a line through text or drawings to be deleted, and enter the material in corrected form. Draw a line through blank spaces on the page. Separate sheets and photographs pasted to notebook pages should be referred to in an entry. Material

that cannot be incorporated in the notebook should be keyed to an entry. Sign and date all entries at the time they are made, and have them witnessed. A witness must be someone who has read the material and is capable of understanding it, yet had nothing to do with producing it. Secure additional witnesses when something important or highly unusual is discovered. Remember that an inventor and his or her co-inventor(s) cannot serve as their own witnesses. Records - when made a matter of routine - take only a small amount of time and effort, become an invaluable asset to work in progress, and may ultimately reserve for the inventor those rights to which he or she is, by priority, entitled.

Records that support the conception, development, and demonstration of a particular intellectual property should be available for review by the Intellectual Property Committee and patent counsel at each stage of review of a particular disclosure.

6. POLICY ON RESEARCH ETHICS

Clemson University recognizes the need for faculty to exercise personal judgement and interpretation in research activities in order to maintain an environment of creativity and discovery within the academic community. Care must be taken to ensure that honest error and ambiguities of interpretation of research activities are distinguishable from outright misconduct. Misconduct is construed as dishonest deviation from accepted practices in conducting research activities, or fraudulent failure to comply with university, regulatory, and funding agency requirements affecting specific aspects of the conduct of research. This includes falsification of data, plagiarism, the misappropriation of others' ideas (the unauthorized and intentionally dishonest use of privileged information such as may be gained during peer, paper, or grant reviews), malicious and public misrepresentation of a colleague's ethical research behavior, conflicts of interest that could influence the researcher's decisions or conclusions, or which could provide unfair gain to the researcher, other misuse of position as researcher for personal gain, or exploitation (such as failure to credit work, misrepresentation of a research relationship) of students, or other persons, for research purposes.

Allegations or complaints involving the possibility of misconduct can be raised by anyone, and are subject to the university Policy on Research Ethics. The allegation should be made in writing to the faculty senate President in a confidential manner and signed. Procedures regarding inquiry and investigation of the allegation are defined in the Policy on Research Ethics. For further information contact the Office for Sponsored Programs.

7. RESEARCH DATA ACCESS & RETENTION POLICY

Introduction. In the exacting pursuit of meritorious research where honest challenges toward research findings are encouraged; when charges of fraudulent scientific processes may be encountered; and when legislative mandates are received, the university must focus its efforts toward policy development concerning administration of research in order to establish clear ownership and to ensure the integrity, access, and preservation of the university's research records.

Definition of Research Data. Information of a scientific or technical nature that is created, assembled, or accumulated and which, as a standard practice, is recorded in the course of a university supported research project is defined as research data. The terms "research record(s)" or "record(s)" or "research data" are considered interchangeable within the context of this policy statement.

The meaning of the term may vary from field to field, and the university will rely upon the standard practices of the relevant field to serve as the guiding principle.

For the purpose of this policy, the term "research data" does not include financial, business or management records or pertaining to award administration.

Research Data Ownership & Retention. Except when expressly provided otherwise by contractual agreement, ownership of research data resides with the university. Individuals responsible for the generation of research data (e.g., faculty, students, staff) have a legal obligation, as well as potential future benefits, to ensure that such data are properly cared for and retained. To this end, the Principal Investigator of a research project is primarily responsible for:

1. The proper recording, retention and preservation of all original research records as expected within the standard operational practices of the relevant field;
2. The careful supervision and education of all relevant project personnel concerning these necessary procedures;

The timely reporting to the immediate supervisor, upon discovery, of significant instances of non-compliance of this policy statement.

Research records should include sufficient detail to permit examination for the purposes of replicating the research; to respond to questions that may result from unintentional error or misinterpretation; to establish the authenticity and origin of research data, and ultimately to confirm the validity of the projects conclusions and/or published findings.

In general, if the retention period for research data is not otherwise established by the contractual terms of a sponsored project, a period of no less than five years, either after professional publication of final research findings, or after project completion (whichever is longer) may be adequate unless an extended period is necessary in connection with other project related matters, e.g., inquiries concerning scientific misconduct that are underway or impending. Regarding patent data, the period of retention should extend at least through the life of the patent, and longer if considered necessary to protect against a claim of interference, infringement, or liability.

Research Data Custody and Access. The responsibility for a project's research data retention and preservation lies with the Principal Investigator, and accordingly the Principal Investigator is considered the custodian of research data, unless circumstances require assignment of custodial responsibilities to another appropriately qualified university academician. Transfer of custodian responsibility for whatever cause will be formally recorded as an approved action by the department chair, director, or dean in accord with college policy. If the project is supported by grant or contract funds, a copy documenting the custodian transfer will also be provided to the Senior Vice Provost for Research for record filing.

Freedom of Information (FOI). The opinion of the Principal Investigator will be consulted and considered upon receipt of FOI requests, although the university, as owner of those records, reserves the right to seek the judgement of university legal counsel to ultimately determine rights of access under FOI circumstances should differences of opinion arise.

Confidential Data. The university's responsibility to safeguard research data from unauthorized disclosure must be recognized as a priority by the individuals entrusted with those records. Any data generated as confidential shall be treated as such in perpetuity.

Physical Location. The physical location of original research records is expected to be within the premises of the university facilities. Circumstances will arise that will justify reasonable exceptions to this practice; however, as long as proper control and oversight is maintained by the university, the custodian in consultation with their supervisor may determine the appropriate measures for administration of this policy and the security of original records.

Faculty that retire, or terminate their employment and transfer to another institution may negotiate with the department chair, director, or dean as appropriate (and Chief Research Officer if a sponsored project is involved), and enter into a "transfer agreement" that specifically describes the extent of original research data (notebooks, lab records, etc.) to be transferred or otherwise relinquished, to the faculty member, or their new institution. In such agreements the university will be guaranteed the full and prompt access (without cost or fee) to any original records transferred to an external party. Prior to the departure of the faculty member, affected research records remaining with the university must be inventoried and custodial responsibility reassigned.

Destruction of Data. Scheduled destruction of research records archival control may take place without further notice, review, or approval. Any other proposed action that would render those records unusable or, in effect, destroyed is unauthorized and cannot occur without advance notice to and approval by the department chair, director, or dean responsible for the safeguarding of the project's research records.

Record Keeping. While it is not the intent of, nor deemed necessary for this policy statement to require extraordinarily detailed record keeping of the specific whereabouts of research records, their prompt access by individuals seeking to conduct purposeful research, appropriate administrative reviews, or legal inquiry must be assured.

For further information contact Clemson University Records Management.

8. USE OF RECOMBINANT DNA, BIOLOGICAL AND CHEMICAL HAZARDS, AND RADIOACTIVE AGENTS

The Institutional Biosafety Committee was established in response to federal guidelines mandating peer review of all protocols that will involve the use of hazardous procedures or materials. This mandatory review is triggered at Clemson University by the principal investigator's completion of the Memorandum of Understanding and Agreement or Registration Concerning Recombinant DNA Research, or the Memorandum of Understanding (MOU) Concerning Research Involving Chemical Hazards, or the MOU Concerning Research Involving Bio-hazards. Depending on which hazard exists, one (or several) of these documents should be completed and signed by the principal investigator (PI) and the Chair of the Department. The document should then be submitted to the Office of Research Compliance, 300 Brackett Hall, where it will be processed and sent to the applicable subcommittee for prompt review. During the process, the Director of Environmental Health and Safety (EHS), acting as an ex officio member of each subcommittee, will be invited to comment on the protocol. After questions are resolved between reviewers and the principal investigator, the document is recommended for approval to the Chief Research Officer or designee. For more information, call the Institutional Biosafety Coordinator at 656-0636.

EHS is responsible for maintenance of a safe environment at Clemson University and will work with the PI who is directly responsible for adherence to safety regulations and the protocols in his/her laboratory.

EHS will assist investigators in developing protocols when requested. Contact the Director of EHS at 656-1806. The PI's responsibility includes sufficient supervision of students and technicians to assure their adherence to the approved protocol.

C. EXTERNAL COMMUNICATIONS: MEDIA RELATIONS

1. RESPONDING TO MEDIA INQUIRIES

The university encourages administrators, faculty, and staff to cooperate with and respond directly to news media representatives in discussing academic and public service activities in the normal conduct of business. They should, however, keep the Director of News Services informed of press contacts and about events, incidents, and developments in which there is, or might be, a public interest. In responding to media requests, the following guidelines will be helpful:

1. Act in a friendly, responsive manner.
2. Get the reporter's name and the publication or station represented.
3. If the question is one that you can answer and it is within your area of academic, technical, or professional expertise and responsibility, give the reporter your full cooperation.
4. Refer the call to the Chief Public Affairs Officer or the Director of News Services if it involves: a) questions of university policy, or those involving a university-wide concern or controversy; b) questions to which a university response has already been prepared and that is the only information to be released; and c) responses that call for coordination among two or more administrative units.
5. If you cannot (or don't want to) comment, don't hesitate to say so. Refer the call to News Services, which will answer for the university or refer the reporter to the appropriate source.
6. Some reporters may ask you to comment on controversial matters "off the record" with the promise that your name will not be used. Unless you know the reporter well, it is usually not wise to do so. In any event, if you go "off the record," establish the ground rules before the interview. Comments cannot be placed "off the record" retroactively.

7. If you need to gather data or give the matter some thought, tell the reporter you will call back. Then do so promptly. Deadline pressures are extremely tight in the news business.
8. When you give a personal opinion on a subject, make sure the reporter knows you are speaking for yourself, not for your colleagues or the administration.
9. Don't assume you will see or hear the story before it appears. Unlike Department of News Services staffers, the outside reporter is under no obligation to show you copy for approval.
10. Keep your answers clear, concise, and factual. The broadcast media, particularly, need short answers covering no more than one or two points. Decide which ones you want to emphasize in advance, then stick with them.

2. RELEASING INFORMATION TO THE MEDIA

Although university faculty and staff are encouraged to be responsive to media inquiries, they are discouraged from taking the initiative to contact the media directly. It is university policy for all news releases to be issued by New Services. This makes good sense and is good policy for several reasons:

1. The professional staff has extensive contacts and experience in dealing with the media, and can package and "market" the story in a professional way that will be most usable to the media. They work hard to maintain the media's respect and trust, and this works to the university's benefit.
2. Media people are busy people, and the university needs to speak to them with one voice on stories identified as priorities for that particular time period. Just as in fund raising, it is not in the university's best interest to have contacts "hounded" by 10 Clemson people with 10 different requests in one day.
3. Information funneled through New Services is automatically shared by both internal and external news editors. Internal communications vehicles such as *Inside Clemson*, the faculty/staff *Newsletter*, *Clemson World*, and other such publications can be used in the total public relations mix. New Services staff are also involved in developing information for the Visitors Center, Board of Visitors, Faculty-Staff orientation, etc., and occasionally work on speeches and presentations by top university administrators.
4. As the media's primary source of information on Clemson, New Services needs to know as much as it can about what's happening so it can effectively promote the university and inform the public. Keep the news staff member assigned to your area fully informed about your programs and activities. The news staff can help plan and set up news conferences, announcements, media Q&A sessions, and interviews. Include them in your planning process, and inform them at least 6-8 weeks in advance of events that need publicizing in the media.

Exceptions to this general policy are made in cases of local contact between extension personnel and news media at the county level. They are encouraged to establish and maintain close relations with local media and supply them with public service information. Sports information activities are also excepted, including the release of information about Clemson athletic programs and athletes, by the Sports Information Office. However, News Services is responsible for handling media on matters concerning university-wide athletic policy where the President or Vice President of Student Affairs is the appropriate university spokesperson.